

1891-011
Lee Co.

Chancery Causes: James H. Graham vs. James D. Graham & wife &c

Slomp, Myers, Kelly, Pennington, Goslyn, Richmond, Stewart,
Morgan, Debust, Turner, Thompson, Gilley, Wood, Witt,
Hurst, Cecil, Ely, Music

-Correspondence

CA-Debt
T-Property

To The Hon. H. L. K. Morrison
Judge of the Circuit Court
of Lee County Virginia

Your orator James H.
Graham, who humbly com-
plaining would respectfully
represent. That heretofore
to wit on the 30th day of
August 1890 one James D.
Graham executed to your orator
two notes under seal, each waiv-
ing the Homestead exemption: One
for the sum of \$400.00 due and
payable by January the first
1890. The other due & payable after
twelve months after its date and
is for the sum of six hundred (\$600.00)
This latter bond recites on its face
that it is executed for $\frac{1}{2}$ of $\frac{5}{12}$ of the
State of West Virginia, that is to sell
Clayton's Attachment to sewing machines
if said territory, can not be sold in
that time your orator was not to be
paid until the said obligor could sell
and if he should sell sooner, than the
time twelve months and collect the money
then it was be paid; and the said ob-
ligor was to make proper efforts to

to see by canvassing and exhibiting
said improvement. These conditions
were not complied with by the said
obligor, but upon the contrary he
has abandoned such effort, and now
left this state, and resides somewhere
in the west, believed to be in Texas

These notes nor part thereof has
ever been paid your orator but
the same are herewith filed marked
"A" & "B" and are prayed to be con-
sidered herewith as part hereof.

The said James D. Graham made
one trip to west Virginia, to look
after his interest there, remaining
only a few days, and for this trip
your orator paid for him in the
month of November the sum of \$16.48
and this sum is also due your orator
and is unpaid an account for which
is herewith filed marked "D" and is
prayed to be considered herewith as
part hereof. These sums make a
total of \$1016.48 now due your
orator from the said James D. Graham
who as above stated has removed
from this Commonwealth and re-
sides as he is informed in the

state of Texas.

The said James D. Graham has estate and effects due him in the County of Lee and State of Virginia. He has a debt due him from H. C. Joslyn administrator of the estate of M. D. Richmond for the sum of about \$300 and interest for about one year. This debt the said James D. Graham pretended to assign to one M. L. Slump but it is without consideration and void as your orator is advised - He alleges that said assignment was made to hinder delay & defraud your orator from the collection of his debt. He alleges that M. L. Slump owes besides this to said James D. Graham a debt of about \$400.00 not now exactly known but believed to only be subject to a credit of \$55. The residue of which is owing to the said James D. Graham. One Dillard P. [unclear] owes the said James D. Graham a large debt believed to be about \$600. or \$800 not known - probably more; and this debt may be due from Mattie Graham the wife of Dillard Graham and he alleges that it is so due from her or Dillard or both. Elkanah Cunningham

Owes the said James D. Graham a
debt which your orator alleges to be
about \$60.00 or more. One W. B. Mires
also owes him the sum of some
^{and that Dr. H. Kelly owes him, about \$15.00}
\$10. or \$15. All of which debts
are the property debts or estate of
the said James D. Graham;

Your orator, believes and alleges that
said ^{James D.} ~~Douglas~~ Graham has had
some or all of these debts assigned
to his wife Mary ^{or Margaret Graham} Graham, with
intent to hinder delay and defraud
your orator, in the collection of his
debt and that such assignment if made
is fraudulent without consideration
and void.

The object of this bill therefore is
to attach upon said debts estate or
effect and have them paid over
and disposed of under the order of
this Court and finally paid in dis-
charge of your orator's debts against
James D. Graham.

His prayer therefore is that James
D. Graham and Mary Graham his wife
Dillard Graham and Mathe Graham
his wife; H. C. Joslyn administrator of
the estate of M. D. Richmond deceased

B. Myers
and state
D. Graham
what for a
or not they know
of these debts
Graham if to whom was
what consideration was paid
any. And the said Miller &
will answer say if and
debts have been assigned
he paid for them, when
and what in and where
means with which to pay
all he may know about it
hearing a decree be rendered

generator for his debts and directing
payment of them out of its funds here
attached. And for all other further
and general relief may and a issue
to &c.

A. L. Pridemore

Defts casts 6 17. 13²/₄
 Dr. 8.00 Paid
 Kelly J. D. 10.00
 wit 6.74
 S 2.50
 Dr. 5.00
 55.12

Graham
et al

Defts casts

Dr 2.91
 Carr 6.00
 wit 1.58
 10.49

55.12

~~is to give ample time to J.~~
~~J. Graham to sell his ter-~~
~~ritory and collect the money~~
~~before having to pay for it,~~
at the ^{same} time Graham
agrees to make proper efforts
to sell, by canvassing and
exhibiting said improvements,
This 30th day of Aug. 1890

James D. Graham Seal

13

\$600.⁰⁰

Twelve months after
date I promise to pay James
H. Graham Six Hundred
Dollars for value received
of him waiving the home-
stead exemption as to this debt,
witness my hand and seal,
This note is executed for one
half of five twelfths of the state
of West Virginia, that is to sell
-Clayton's attachment to sewing
machines, if said territory can
not be sold in that time I
am not to pay until I have time
to sell and should I sell sooner
than the twelve months and
collect the money I am to
pay at that time, ~~in other~~
~~words the object of this~~

\$400.00

By the first day
of Jan. next I promise
to pay James H. Graham
~~Three~~ ^{Four} Hundred Dollars
for value received of him,
waiving the homestead
exemption as to this debt.
witness my hand and
seal. This 30th day of
Aug. 1890

James D. Graham (Seal)

"A."

To the Hon. H. S. K. Morrison
Judge of the Circuit Court for
the Co., Va.

The separate answer of M.
R. Slump to a bill of Complaint
exhibited in this Court against
him and others by James H. Graham.

Your respondent reserving
to himself the benefit of all
just exceptions to said bill for
answer thereto or to so much
thereof as he is advised it is
material for him to answer,
answers and says:

That he knows nothing of the
validity of said plaintiff's
demand against said James D.
Graham; but he denies owing
said James D. Graham at
the time of the institution
of said plaintiff's suit one
cent, yet he did owe him
a debt of ^{about} \$380⁰⁰ which
your respondent ^{in cash} paid about
the day of Novm. 1890.

Your respondent admits that he does owe Mollie Graham, wife of James D. Graham, a note of \$100⁰⁰. for money he borrowed of her on the 6th day of Jan - 1891, but as to whether this money was lent on the said James D. Graham, your respondent does not know, but he has always been informed that said Mollie had a separate estate of her own; at any rate she paid your respondent said \$100⁰⁰ and your respondent executed his note for the same payable to her.

For further answer to said bill your respondent says that about the 18 day of Nov 1890 he took from said Mollie to Graham an assignment of a certain note, signed by Mr. D. Richmond (now dead) dated

To answer to your respondent's assignment of this instrument is Exhibit 15/1890
Mollie's note of \$100⁰⁰

The 4th day of January 1890 and
to James D. Graham and ^{which} had an endorsement there-
payable one day after date.

On this note at the time it
came to your respondent's
hands were one credit, ~~on~~
for \$300⁰⁰ as of the 11 day of
October 1890 ^{paid your respondent} and another for \$8.74
as of the 6th day of January 1891
~~and~~ since it came to his hands
his ~~hand~~ ^{by} J. L. Joslyn ~~agent~~
of said Richmond has paid your
respondent, ~~on the day of~~
189 —, and before the institu-
tion of said suit; the sum
of ~~\$~~ —. Your respondent
further denies that the as-
signment of said note to him
was made without a valuable
consideration or that he took
said note with intent to hinder
delay or defraud said Campbell
in the collection of his said
notes or of any other of said
James D. Graham's creditors

at the time
the same to

On said Richmond note your
respondent paid Jan 6th 1891
in cash to E. H. Prentiss
\$107.⁰⁰ and before said day, some
to wit on Nov. 18th 1890
month or more, your respondent
made and executed his obliga-
tion wherein he bound him-
self to pay \$135.⁰⁰ to Sarah E.
Graham a sister of said James
D. Graham, and balance ^{thereof} to said
Decard Graham, if your respond-
ent ever collected said note
from said Richards estate. This
obligation is now in the hands
of Decard Graham

Now having fully answered as
he is advised it is material
he should answer, prompt to be
hence dismissed with his
reasonable costs in this behalf
expended. And he will ever pray

etc.

M. L. Slump

by E. H. Prentiss J. A.

Virginia

as led, to wit:

For said Graham

After that personally appeared
before me E. W. Pennington a notary
public in and for the county
and State aforesaid, M. L. Slump,
whose answer is above written
and made oath that the state-
ments made in said answer
so far as made of his own knowl-
edge are true and so far as made
from information deriving of others
he believes to be true. Given
under my hand this the 1st day
of April, 1891.

M. L. Sluys

also answer

J. H. Graham

Filed by decree of
Court April 2nd 1891

J. A. S. Hyatt ©

To the Hon. H. S. K. Morrison, Judge of
Circuit Court for the County, Virginia:

Your respondent referring to himself
The benefit of all just-exceptions to the said
bill, for answer thereto, or to so much thereof
as he is advised, it is material he should
answer, answers and say:

our Mollie Graham the wife of said
James D. Graham about \$400⁰⁰ for
about the day of Nov 1890
money he borrowed from her, but
your respondent here deposes that
that this money was the money
of said James D. Graham, but on
the contrary was the separate
estate of said Mollie, which
by our present law she might
have. Your respondent borrowed
this money from said Mollie
some time in the month of
Nov 1890 and he executed her
~~note~~ his note for the same,
which he supposes she now
holds. This money is believed to be due Jan 1st 1891.

Your respondent will further
state that something like a
month before he borrowed said
money from said Mollie, he
took from said Mollie a note
dated May 6th 1890 and payable
to said J. D. Graham, with an in-
strument thereon assigning the same
by said James to said Mollie,
for \$220.32 and due Jan 1st 1891.

and signed by Elkanah Prumington
Your respondent had not paid
said Mollie for this note until
Dec. 31st 1890 on which day he
paid her in full for same \$220.⁰⁰
and at the same time said
Elkanah Prumington paid your re-
spondent on said note the sum
of \$158.⁰⁰, and the balance of
which note is still due your
respondent from said Prumington.
Your respondent emphatically
deems that the assignment
of said Prumington note by said
Mollie to him was made without
a valuable consideration or with
any intent to hinder delay or
defraud said James H. Graham
in the collection of his said debt.

Instead of your respondent or
your respondent and his wife
jointly or severally owing said James
D. Graham, the said James D. Graham
owes your respondent the sum of
\$250.⁰⁰ for his interest in his
father's land in Ky.

Your respondent deems that

See mar. note
on 1st page

That any other of said debts, except
said Pennington note has been as-
signed to your ~~respondent~~ debt; but
said J. D. Graham did leave in
your respondent's hands a note
for \$45⁰⁰ due Jan 11th 1882, with
three credits endorsed thereon, to wit:
one for \$35⁰⁰ Jan. 1st 1885; one for
\$2.00 Nov 1st 1887 and another for
\$6⁰⁰ Jan 1st 1889. This note was
not assigned to your respondent
and what is due thereon is the
property of said James O. Graham.

Now having fully answered
as completely as he is advised it
is necessary for him to him
to answer, prays to be hence dis-
missed with his reasonable costs
in this behalf expended. And
he will ever pray &c

Willard Graham

By counsel.

Virginia, Lm. Co. To wit:

This day personally appeared
before me, E. H. Pennington a notary

public in and for the county and
state aforesaid, Willard Graham
whose answer is above written
and made oath that the state-
ments contained in said answer
so far as made of his own knowledge
are true and so far as made from
information of others he be-
lieves to be true. Given under
my hand this the 28th day of
March 1891

C. W. Huntington N. D.

Deborah Graham

ad. Answer

James H. Graham

Filed by Decree of
Court, April 2^d 1891.

J. A. Hyatt

To the Hon. H. S. K. Morrison, Judge
of the Circuit Court for the Co.

The separate answer of S. H. Joslyn admr. of the estate of M. D. Richmond died -

Your respondent for answer to said bill says he knows nothing of the justness of said plaintiffs demand against said James D. Graham nor nothing of any assignment of any notes by said Graham to any person with intent to hinder delay or defraud said plaintiff in the collection of said claims. But he says he does know that his decedent owed said James D. Graham a note dated Jan 4th 1890 and payable one day after date for \$625⁰⁰; That on the 11th day of October as such admr. he paid said J. D. Graham on said note the sum of \$300;

That a few days after he made
said payment on said note he
was asked by M. L. Slump
if said note was all right
and whether said estate would
pay it, to which queries your
respondent told said Slump,
said note was all right and
said estate would pay it, and
still a few days later he was
informed by said Slump he
had said note and on the
6th day of Jan. 1891 paid said
Slump the sum of \$8.74,
which last credit was
made on said note for an
account that said James
D. Graham owed said Rich-
mond's estate, Your respond-
ent in consideration of
the premises aforesaid slump
that as such admr. he owes
said James D. Graham or his
or his wife - anything.

Now having answered as fully
as he is advised that is
material he should answer
your respectful prompts to
be hence dismissed with his
reasonable costs in this
behalf expended. And he will
ever pray &c. H. C. Joslyn a dunt
by. E. W. Pennington J. S.
Virginia, Lee Co, to wit:

This day personally appeared
before me the undersigned Notary
Public in and for said county & state
H. C. Joslyn and made oath
that the statements contained
in the foregoing answer so far as
made of his own knowledge are
true and so far as made from
information derived from others
he believes to be true. Given
under my hand this the 9th
day of April 1891

E. W. Pennington N. O.

Th. L. Joslyn advised

ad. } answer

John Graham

Filed by Decree
of Court April 2nd 1891.
J. A. Hyatt &

To the Hon. H. S. K. Morrison, Judge of the
Circuit Court of the County, Virginia:

The separate answer of Mattie Gra-
ham to a bill of complaint exhibited a-
gainst her and others in your honour
court by James H. Graham:

The respondent referring to herself
the benefit of all just exceptions to the
said bill, for answer thereto, or to so much
thereof as she is advised it is material
she should answer, answers and says:

That she does not know anything
about the justness of the debt or claim
of said plaintiff against the said James D.
Graham, nor the consideration for which
said notes were given by said James D. to
said James H. Graham; nor of any transfer
or assignment of any note, debt, claim
or demand by said James D. Graham to
his wife, Mollie Graham, or to any other
person with intent to hinder, delay or
defraud the said James H. Graham or for
any other purpose.

As to Complainant's allegation
that your respondent is indebted to
said James D. Graham or to his wife

Mollie, she most emphatically denies
that she or that she and her hus-
band jointly owe said James D. Graham
and his said wife or either of them any
sum of money, much less \$600⁰⁰ or \$800⁰⁰;
nor was this the case at the time of
the institution of said suit. But your
respondent is informed by William Gra-
ham, her husband, that he is in-
debted to Mary E. Graham, the wife
of James D. Graham in a certain sum
of money, but as to the particulars
of which her said husband an-
swers and explains, so your re-
spondent is advised that it is
not necessary for her to set out
herein what she knows about
the same, because she knows nothing
more than what her said husband
has told ^{her} about the matter.

Now having fully answered to all
of said bill to which she is called
upon to answer, your respondent prays
to be hence dismissed with her reasonable
costs in this behalf expended, and she
will ever pray &c.

Mollie Graham by
E. H. Huntington J. C.

Virginia

County of Lee, to wit:-

This day personally appeared
before me, E. W. Permington a
Notary Public for the County
and State aforesaid, Mattie Graham whose
answer is above written, and made
oath that the statements contained in
said answer, so far as made of her own
knowledge are true; and so far as
made from the knowledge or informa-
tion derived from others she believes to
be true. Given under my hand this
the 10 day of March 1871.

E. W. Permington N. P.

Mattie Graham

add } Ruess

James H. Graham

Filed by decree of
Court April 2nd 1891.
J. A. Hyatt ©

To The Hon. St. S. H. Morrison, Judge
of the Circuit Court for his County, Va.

The separate answer of James
D. Graham to a bill of Complaint
filed in your Honors Court by Jas.
H. Graham against him and others.

Your respondent reserving to him-
self the benefit of all just exceptions
to said bill for answer thereto, answers
and says:

That he and his wife, Nellie
are now and have been since before
the institution of said suit a non-
resident of the State of Virginia; that
it is true he executed the two bonds
exhibited in said cause for 1/2 of 5/2
of The State of Virginia to sell Clayton's
sewing machine attachment for quilting;
but your respondent denies that said
plaintiff ought to have judgment for said
sum of money or any part thereof,
because he alleges that the same
were procured through ^{the} fraud and
misrepresentations of said plaintiff
in this, to wit, that said plaintiff
represented ^{unto} your respondent that said
Clayton's attachments were great sellers
and much money could be made
out of it and that B. F. Newsum
& H. L. Slaut had sold quite a lot
of these attachments at a good price
when in fact they had not but very few
and thereby procured your respondent
to sign said bonds. Again your

respondent deny the justice of
said bonds because being given
for a patent right, he is advis-
ed that no title passed until a
deed had been made him, which
has not been ^{to this day} done, so there
has been a failure of consideration

[As to the account of \$16.48
for expenses to W. V. & Co. this your
respondent deny and says
that these were expenses which
according to the contract of the
purchase of said patent, ought to
have been paid by the plaintiff,
which he did do on a certain trip
to said State, but now to the surprise
of your respondent, he seeks to
recover the money he paid on his
own account from your respondent.]

Your respondent deny that
his wife has colluded with him
to defraud, or hinder or delay said
plaintiff in the collection of his
debt; that the Elknoch Pennington
and Richmond notes were assigned
to his said wife without ^{a valuable} considera-
tion. Your respondent will show
unto your honor how it happened he
assigned these notes to his wife: Long
before the execution of the bonds on
which the plaintiff has brought his
suit he had borrowed from his
wife a sum of money more than
the amount of said Pennington &

Richmond notes, (she having an estate
of her own acquired mainly by school
teaching) and when his said wife
learned of the trade he had made
with the plaintiff, she began to press
and insist that her money be re-
paid to her, and your respondent
not having cash sufficient to
pay her, he assigned her these notes,
2 done. (Your respondent says that he
and is the owner of ~~notes~~ his brother Sil-
lard Graham for \$350⁰⁰ executing
on the day of 1890 ~~note~~ W.S.
Hurst.) but that said Sillard holds
your respondent's note for \$250⁰⁰
so ~~your~~ the said Sillard would owe
your respondent \$100⁰⁰ with interest
from the day of 1891

Your respondent will further
aver & allege that ~~although~~ ^{if he be} mis-
taken in the defense in toto & said
bonds on account of fraud in their
procurement, failure of consideration
etc. then he says there ought to be
a credit of \$200⁰⁰ on said
first bond, for said plaintiff has
sold to one Geo. Brown \$500⁰⁰
worth of said territory and to another
person name not remembered \$150⁰⁰
worth, and that said territory was
never divided between your respondent
and the plaintiff, and that according to
the terms of the contract in the purchase
of said territory, your respondent was to

1 have the aid and assistance of said
2 plaintiff in trying to dispose of said
3 territory, so one-half of said sales
4 should be credited on said bonds.

5 Now having answered said bill
6 he prays to be dismissed with his
7 costs.

8 Jas. S. Graham by
9 C. W. Cunningham p. d.

10 Texas

11 Hunt Co. To wit-

12 W. A. Frazer, J. P. & Ex officio Notary
13 Public in and for the County &

14 state of Texas do hereby certify that
15 Jas. S. Graham personally appeared before
16 me in my said county and made oath
17 that the above answer is true so far as
18 made on his own knowledge and so

19 for as made on the information of
20 others ^{all in brackets not sworn to and all changes made in} he believes them to be true. Given
21 under my hand this 20 day of November
22 1891. W. A. Frazer Justice of the peace
23 and Ex officio Notary Public Hunt Co Texas.

To The Hon. St. S. H. Morrison
Judge of the Circuit Court for this
County, Va.

The separate answer of Mol.
lie to Graham to a bill of Complaint
exhibited against her and others,
by Jas. St. Graham:

Your respondent receiving
to herself the benefit of all just excep-
tions to this bill for answer thereto
or to so much thereof as she is ad-
vised it is natural for her to answer
answers & says

Your respondent denies that
she has in any way concluded with
her husband, J. D. Graham, to defend
J. St. Graham in the collection of
his said debt; or that any money
or debt of the said J. D. Graham
was ever assigned to your respond-
ent without valuable consideration
and with the intent to hinder, delay
or defraud the said Jas. St. Graham.
She does admit however that a
debt of about \$220.00 on 2nd.
Pennyington and one on the estate
of Mr. S. Richmond died for
about \$845.00 subject to about
\$300.00 credits, were assigned
to her by her husband, the first
of which notes she assigned to
Sileas Graham who some time
before the institution of this suit
by said plaintiff wholly paid your

respondent for the same and the
latter on Richard's note she
assigned to one 'M. L. Slump, who
paid E. W. Purnight on the same \$107⁰⁰
executed his obligation to her Sarah
together with lawful interest from 1st day of May 1889 till paid.
to Graham about the sum of \$135⁰⁰
and the residue to Sillars Graham.
if it could be collected. She here says
that these debts were assigned
without a valuable consideration
but that she had a separate es-
tate of her own for which she
fully paid for these notes out
of her said estate.

Your respondent will fur-
ther show unto your honor that she
intermarried with the said James D.
Graham on the 29 day of January
1881, that long before and since
her marriage she was a school
teacher in the public schools of
La. County, Va. and thereby ac-
quired an estate of about \$2375⁰⁰
of her own, which she always
claimed and kept from the control
or use of her said husband
unless it was to loan him a
portion of her money.

She will again show unto
your honor that she now
holds notes on 'M. L. Slump
for \$107. dated 6th day of January 1891
and one day after date. XIX
on Sillars Graham a note for

\$400. dated 19 days of Nov. 1890
and one day after date ~~XXX~~,
That these sums of money are
due as aforesaid for money loaned
to said parties out of her own sep-
arate estate & That she does not
now, nor at the time said suit
was brought owe her said decd.
any sum of money.

Now she is advised that
her said husband has no interest
in her said estate and that the
same is not liable for any
debt or demand of her said
husband, especially that of
the said plaintiff.

Now having fully answered
as she is advised it is mature
she should answer, ~~as above~~
be hence dismissed with her
reasonable costs in this behalf
expended. And she will ever pray
tc.

Mollie E. Graham by
E. H. Fremington p. d.

Texas

Hunt Co., to wit:

This day Mollie E. Graham per-
sonally appeared before me a Justice of
the Peace and Ex officio Notary Public in &
for the County & State aforesaid and made
oath that the answer above written so far as
made of her own knowledge is true and so far
as made ~~of her~~ on the information of others
she believes to be true. Given under my hand this
the 20 day of November 1891.

W. A. Frazer Justice of the
Peace & Ex officio Notary Public
Hunt Co. Texas.

Mollie C. Graham

ads } Answer

J. H. Graham



Ms. A. 1. 1. 1. 1. 1.

James H Graham

Plff } In chy.

against-

James D Graham + others Defts

This cause came on again to be heard upon the papers formerly read in the cause, and was argued by Counsel, and by agreement of the parties, it is adjudged, ordered and decreed that the plaintiff recover against the defendants James D Graham and Dillard Graham \$320⁰⁰ with interest thereon from the 1st day of January 1892 until paid, and the costs of this suit except an attorneys fee, which is to be in full satisfaction of the notes & account sued on, and no execution is to issue on this decree until March 1st 1892, and by like agreement of the plaintiff & the defendant James D Graham by their Counsel, the notes, ^{& acct} sued on are to be canceled and delivered to the said Dillard Graham, and the said plaintiff is to execute and deliver to the said James D Graham, or his agent Dillard Graham, a proper deed conveying ^{to him} the said patent right - in one half of 15 $\frac{1}{2}$ Counties in the State of West Virginia now unsold, and belonging to the plaintiff and said James D Graham, omitting the six Counties heretofore sold the proceeds of which the said James H Graham is to have & retain. And all attachments issued in this cause are quashed, and the cause is stricken from the docket.

James H. Graham
vs. $\frac{1}{2}$ Deere & Finab.

James H. Graham
Ind Co B #3
page 365

Byatt & Co

Enter this decree.
H. S. K. M.

Deer - 3 1891.

James H. Graham

against

James D. Graham et al

In Chy.

This Cause
Came on this day upon the
~~bill of the plff.~~ papers
formerly read and the deposition
of witnesses and exceptions thereto
and was argued by counsel.

On Consideration of which
and for reasons appearing to
the Court said exceptions are
overruled. and the Court
being of opinion that an
enquiry should be made as
to the note executed by M. L.
Slump to Mollie Graham
binding him to pay Lavina
Graham sister of J. D. Graham
one hundred dollars when he
should collect the M. D. Rich-
mond debt. John A. G. Hyatt
who is hereby appointed a
special Commissioner for the
purpose will enquire and
report. How much the said M. L.
Slump owes ^{to any party in this cause, the amount thereof} ~~and to whom~~ and
when payable and whether or

he has yet collected the M.D.
 Richmond debt or any part
 thereof and whether or not Jas.
 D. Graham at that time or
 before the commencement of
 this suit owed any thing to
 his sister Lavinia Graham & if
 so how much & what for
 How much if any thing
 Dillard Graham owes, James
 D. Graham, what for and
 how much - He will ascertain
 and report how much W-S.
 Hurst owes James D. Graham
 who paid it & how much &
 he will report any other debt
 due to James D. Graham or
 Mollie his wife - And whether
 or not James D. Graham owes
 the plff anything and how
 much. He will report any
 facts deemed pertinent by
 himself or required by either
 party to this Court at its
 next term & the Cause is
 Continued.

Graham

Deere

Graham

Aug. 7. 1891

Entd page 350

Cost Book No 3

Sept 31 1891

Jas. D. Graham

Entd this

Sept 3 1891

W.S. 100m

James H. Graham Comptroller

vs

James D. Graham et al Defts

In Chancery

This cause came on to be heard and by leave of the court answer.
The separate of Dillard Graham, Mattie Graham, M. L. Sump and H. C. Joslyn answer are filed, and the said plaintiff replies generally thereto. and this cause is continued.

J. St. Graham

vs } Green

J. St. Graham et al

Entered in Clerk's B. P. 327

April 2, 1891

J. Ab. Hyatt & Co

Enter this
April 7/91.
H. St. M.

The deposition of W. P. M. Stewart taken Oct, 31st, 1891 at Pennington's Gap in Lee County state of Va to be read in a certain suit in chancery in the circuit court of Lee County state of Va, in which James H. Graham is Plaintiff and James D. Graham is Defendant, The witness being of lawful age and being duly sworn deposes and says,

Question by Plaintiff,

1 Ques. Did James D. Graham or not place an Acct. of \$27 and some cents in your hands for collection. The Acct. being due from Wm McLeod and payable to James D. Graham, some time in the month of Jan, 1891?

Ans. He did, at the ^{January} term of the County Court,

Ques. 2 Did you collect the Acct of \$27. and some cents that James D. Graham placed in your hands for collection?

Ans. I did,

Ques 3. What did you do with this money have you it on hand?

Ans. When James D. Graham gave me this Acct. on Wm McLeod for collection he said if he (J. D. Graham) was not in the country when I collected it for me to pay it over to his Brother Dillard Graham, and when I collected the money James D. Graham had left the state, I met Dillard

Graham some time after that, and offered to pay the money over to him, Dillard said that he was garnisheed for a debt that James D. Graham owed to James H. Graham, and that it would not do for him to take this money, but, he said, for me to go home and register the money at once to his Bro. James D. Graham, Dillard Graham gave me James D. Graham's post office address and directed me to send it at once, and it was through and by the order of Dillard Graham that I sent the money to James D. Graham, who was then in Texas.

Ques. 4

If this money had been lost and J. D. Graham had held you responsible for it, who would you have looked ^{to} for this money?

Ans.

I would have looked to Dillard Graham for it, for it was by his direction and order that I sent the money, I did not know where J. D. Graham was and could not have sent it without directions from Dillard Graham.

Ques 5

When did James H. Graham call on you with a view to garnisheeing you so as to stop the \$27. and some cents in your hands?

Ans

It was next morning after Dillard Graham

had ordered me to register it to J. D. Graham who was in Texas.

Ques. 6 Was you Post Master at Lide, Va at the time Dillard Graham ordered you to register the money to his Bro. J. D. Graham?

Ans. I was Post Master then and am yet,

Ques. 7 Had you sent the money out when J. H. Graham called on you?

Ans. I had, I came right home after I received orders from Dillard Graham and registered it and sent it out that evening, ~~in~~ next morning J. H. Graham called on me.

Ques 8 If Dillard Graham would ~~try to man-~~
~~age to~~ send off through you (for a blind) the amount of \$27. and some cents to prevent J. H. Graham from collecting his debt that J. D. Graham owes him. Do you or not believe that he (Dillard Graham) would try to twist and change other debts in order to prevent the collection of said J. H. Graham's debt?

Ans. Yes. I think he would,

Ques 9. Do you or not know of Mollie C. Graham claiming or owning any separate estate from that of her husband James D. Graham?

Ans. I do not, I never heard any thing of that kind,

Ques 10 If it is true that Dillard Graham directed the \$27. and some cents sent off by registered letter to prevent J. H. Graham from collecting his debt, and if Dillard Graham was owing his Bro. James D. Graham some six or eight hundred dollars or any other amount a very short time before his Bro. J. D. Graham left the state, and was not owing James D. Graham's wife any thing at that time, and if she had no estate of her own, and now that Dillard Graham claims that he does not owe J. D. Graham but that he (Dillard Graham) now owes Mollie C. Graham the wife of J. D. Graham some four hundred dollars or more, Is it not reasonable to conclude that this note or some others has been changed and made payable to Mollie C. Graham instead of to James D. Graham, in order to prevent J. H. Graham from collecting his debt?

Ans. I think that is a very reasonable conclusion, and further this witness saith not,

N D Fee \$1.00

W. P. M. Stewart,

Virginia Lee County To wit
J. V. H. Kelly Notary Public in and for
The afore said County & state do certify
That the foregoing depositions of W K P
Stuart wer taken subscribed & sworn
To before me at the time & place mentio-
ned in the caption Given under my
hand this Oct 31st 1891

V. H. Kelly N P

The reading of the depositions of W. M. P.
Stewart ~~did~~ excepted to because
1st it was taken without any notice
being given to Sillard Graham or any
other and it seeks to charge said Sil-
lard Graham with connivance with
a fraud;

2nd because all the questions asked
are leading and hypothetical
and irrelevant.

Filed Nov. 12/1891.

J. D. Stewart

Notary fees \$1.00
Witnesses 50
Total \$1.50
J. D. Prumington
Att'y for Sillard Graham

J. D. Graham

vs
J. D. Graham

Jas. D. Graham

Filed Nov. 12/1891

James H. Graham

vs

James D. Graham wife et al

} In Chancery

The depositions of H. J. Morgan
and others taken pursuant to
posted notices, at the clerk's office
of the Circuit Court for Lee County
at the time of taking an account
in the above styled Cause on the
13th Novr. 1891.

Said H. J. Morgan being duly
sworn deposes and says.

Ques¹ By Plaintiff,

Are you the President of Powell's Valley
Bank, which does business in Jonesville Va.

Ans¹ I am.

Ques² And please state all you know about
Mollie L. Graham depositing money in
your bank when deposited and when
drawn out?

Ans² According to the Books kept in
said Bank, there was deposited
in the name of Mollie L. Graham
on the 11th day of October 1890 the
sum of \$415.⁰⁰ and on the 15th
day of Novr. 1890 the same was
drawn out upon the Check of
said Mollie L. Graham, as well
as I now remember, indepen-
dent of the entries in said Bank
books I would now remember
but little about it, my best

1 impression now is that the said
2 Mollie L. Graham was not present
3 in person, when said deposit was
4 made, nor can I now state
5 who made the deposit for her
6 but my best impression is that
7 it was deposited for her by her
8 husband James D. Graham, I
9 think this deposit before mentioned
10 is the only one ever made in said
11 Bank in the name of said Mollie
12 L. Graham.

13 Of my own knowledge I know
14 nothing of the said Mollie L. Graham
15 owning or having a separate
16 estate, but my ^{best} recollection is that
17 her husband when he deposited
18 said \$415.⁰⁰ spoke of his wife having
19 been teaching school and had
20 earned some money of her own.
21 And further this witness saith not

22 Henry J. Morgan

23
24 Sworn to and subscribed before me at time and
25 place mentioned in the caption.

J. W. Lewis
claim
50 c. p.

26 J. A. Schmitt Comr.

27 Commissioners Office Jonesville
28 Va. November 20th 1891.

29 A. K. Debusk an other witness
30 of lawful age being duly sworn
31 deposes and says.
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Ques 1. Was you indebted to J. D. Graham
up to about the time he left the state,
if so how much?

Ans 4 I was indebted to him for land
to the extent of about 300\$.

Ques 2. Has this debt been settled, if so
how?

Ans 8 It has been settled so far as James D.
Graham is concerned, said J. D.
Graham came to me some month
or so before he left the country
and proposed to share my notes,
but I informed him I had no
ready cash, but informed I would
see a friend & try & get up the
money for him, but failed
and so stated to him, he J. D. Graham
then told me I might get the money
from his brother Dillard Graham,
but I informed him I was busy
and had not the time to look
after the matter, some little
time after this last conversation
the said Dillard Graham came to
my house and stated he had
purchased of his brother J. D.
Graham my notes, and some
time after this about Octo. 1st 1890,
I lifted the notes I had given to
J. D. Graham and executed
new notes to Dillard Graham
therefor, which notes still remain

with
claim
74

unpaid.

Did further this witness saith not.

A. K. Lebusk

A. K. Turner and other witnesses
being duly sworn says.

Ques 7 Did you buy a lot cattle of Dillard
Graham from Aug 30th 1890 to Jan 6th
1891, if so how much did you pay
for them and when?

Ans 11 I did purchase of Dillard Graham
a lot of cattle during said time
and paid him something over
200\$ therefor (a small amount)

Ques 2 Did you ever have any conversation
with J. D. Graham or his wife ^{at your house} concern-
ing his indebtedness to me? if so
Please state the conversation?

This ques is excepted to because time & place
are not fixed.

Ans I did, he told me he owed J. H. ^{Pennington & Son for} debts
Graham a thousand Dollars, but
that it was an unjust debt and
that he did not intend to pay it
if he could get shot of it, or
so manage his business as to
get shot of it, as it was an
unjust debt.

Ques 3 Did J. D. Graham propose to see you
^{at your house} a mare or mares, ~~and~~ a short
time before he left the state, if so
what did he say about arranging

Graham from attaching them?

Ans He tried to sell me his mares, but I don't remember that he said any thing about evading the payment of his debt to J. H. Graham, he said something about being afraid to bring the mare down to Jonesville, I don't remember that he said exactly why.

Quest 4. Do you owe Mollie C. Graham or J. D. Graham any amount or do you know any one that does if so who?

Ans I do not owe them anything nor do I know of anyone else owing them anything.

Op of Examination By Dillard Graham, witness states,

That James D. Graham in trying to sell me the Young mare, ^{said} that he had a contract on offer on the Young mare of 145\$, but said for that money I could have her, I think the offer had been made by Dillard or Luther Slump, I offered him 135\$ for the mare.

50c
claim
by witness

And further this witness saith not.

A. K. Turner

W. E. Thompson an other witness being duly sworn says.

Ques by Plaintiff

Ques 1. Did you or not buy some corn
of J. D. Graham a short time before
he left the state, if so how much did
you buy and have you paid him?
Did he say any thing about saying
nothing about the trade. Please
state all you remember about this
trade?

Ans A short time before J. D. Graham left this
Country I purchased some corn in
the field cut up corn from him,
I bought it in the shock, I suppose
there was about 60 Bushels, I
have paid him for said corn, he
told me not to say any thing about
the trade at the time we traded, I
paid him about 5^{down} \$ and soon
after paid the remainder, I did
not have ^{all} the money when we traded
and he told me not to say any
thing about the trade.

Ques Why did he want you to say nothing
about it, did he give you to un-
derstand by words or any other way
that he did not want J. D. Graham
to know about this trade if so what
were those words or acts?

Ans I cannot say, he did not tell me
he was going to get rid of his debts.
And further this witness saith not.

W. E. Thompson

W. T. Gilley an other witness being
duly sworn deposes and says.

I purchased of Dillard Graham
after 30th Aug 1890 & before Jan
1st 1891 6 head cattle, for which
I paid him some over 80[¢].

I had borrowed of him 100[¢] on
the 1st January 1890 and paid it
back to him on January 1st 1891
the day it was due.

wit
claim
50[¢]

And further this witness saith not
W T Gilley

The further taking of depositions
in this cause is continued until
Friday Nov. 27th 1891

J. A. Hyatt Comr.

Met pursuant to adjournment
at the Clerk's office for the Circuit
Court for Lee County, on the 27th
Nov. 1891.

Present Plaintiff and Defendants
Attorney.

Wm. P. Wood a witness of lawful
age being duly sworn deposes
and says.

Question 1st By Plaintiff.

Ques 1 Did Dillard Graham present a
note to you ^{which was given by you to J. D. Graham} some time in the fall of
1890 Amt. to some \$500 or \$600 which
had ^{been} executed to his Bro. J. D. Graham
was this note assigned to Dillard
Graham by J. D. Graham for value
received?

Ans. 1 He did not present me with the
note for payment, but came
to me with the note to know
if it was all right, said
note was assigned for value
received by J. D. Graham to
Willard Graham.

Ques 2 Have you paid this note off, if so
when did you pay it, and how much
did it amount to when you paid
it?

Ans I paid it Decr. 22nd 1890, and it
amounted to, at the time paid
it to about 556.¢.

Ques 3 Did you have a conversation with
Mollie C. Graham the wife of J. D. Graham
a few days before she left the state at
your store at Didsmore Va. Did she
or not tell you that they meaning
her husband & her self had shaped
their business so that J. D. Graham
could not collect his debt, and
added that the debt was unjust
and that Henderson was trying to
break them up?

Ans We had a conversation at my store,
the conversation amounted to about
this, She stated that James D. Graham
was trying to collect an unjust
debt off of James D. Graham her
husband, and remarked that she
had been teaching school, and
that ^{nearly} all they had had came by
her, and she made the impression
on me that she had all their effects

in her hands, and that James D. had nothing to amount to any thing.

Ques 4. Did you know J. D. Graham for a number ^{or years before he left this state;} was he an industrious man, did he teach ^{school} trade, and farm, and did he not handle money and loan to different parties?

Ans. I suppose I have known him for the past four or five years, he was an industrious man and taught school traded some and farmed, I cannot state that he loaned to others, but he loaned me 600⁰⁰ Jan'y, 1890.

Ques 5. Did J. D. Graham say any thing to you about J. H. Graham having paid him some money about the time you borrowed the \$600, from him?

Ans. He did, mentions that J. H. Graham had paid him some and that he desired to loan it.

Ques 5- Do you know any thing about Mollie C. Graham owning or controlling any separate estate from that of her husband?

Ans. I don't know any thing about it. I know that she taught school.

Ques 6. Did you ever borrow any money from M. C. Graham?

Ans. I did not.

Witness And further this witness saith not.

J. H. Graham

vs. $\frac{1}{3}$ Depoo

J. D. Graham

Abandoned

Carrs Fee 4.00

Writ 2.74

50

\$7.24

The deposition of V. H. Kelly taken at the dwelling house of H. C. Forly in Lee County, Va., Aug 29th 1891. To be read in a certain suit now pending in chancery in the circuit court of Lee County, Va., in which James H. Graham is Plaintiff and James D. Graham Defendant. The witness first being duly sworn deposeseth and says,

Question by Plaintiff

Ques. 1st

Are you indebted to James D. Graham, if so, how much, and when due?

Ans.

I owe James D. Graham one note due Jan 11th 1882 amounting to \$45⁰⁰ subjected to the following credits, Jan 1st 1885 Cr. \$35⁰⁰ Nov 1st 1887 Cr. \$2.06 Jan 1st 1889 Cr. \$6⁰⁰ I havent the note before me but think the above is correct. Dilard Graham told me that he held the note,

Ques. 2

Did you ever hear or know of Mollie C. Graham ^{the wife of Jas. D. Graham} claiming or owning any sepearte estate from that of her husband

Ans.

I never did, until I learned that James D. Graham was shaping his business to avoid paying Jas. H. Graham

Witness
claims 1 day
50.cts

and further this witness saith that,
V.H. Kelly

Virginia Lee County Z-wit;

2. Henry C. Joslyn a Justice of the
Peace for the County of Lee in the
State of Virginia, do hereby Certify that
the foregoing deposition of V.H. Kelly
was taken. Subscribed and sworn
to before me at the time and
place mentioned in the Caption,
Given under my hand this 29th
day of August 1891.

H.C. Joslyn J.P.

J.P. Fee 75.cts

James H. Graham
vs. } In chancery
Jas. D. Graham

The deposition of
V. H. Kelly.

Filed Aug. 29th 1891.

J. A. S. Hyatt c

Costs
V. H. Kelly. int 60
W. C. Fosdyke J. P. 75

The deposition of M. S. Slemp taken
Jonesville Camp Ground in Lee County Va.
Aug 29th 1891. To be read in a certain
suit now pending in chancery in the
circuit court of Lee County Va. in which
James H. Graham is Plaintiff and Jas.
D. Graham Defendant.

The witness first being duly sworn
deposeth and says.

Question by Plaintiff,

Ques 1

Do you hold a note which was ex-
ecuted by M. D. Richmond to James D.
Graham, if so how long have you had
it, and how did you come in posses-
sion of it?

Ans. 1

Yes I hold such a note, ^{I have had it} about ten
months. ~~James D. Graham~~ mentioned to
me some two or three times about letting
me have this note and said some-
thing about being in trouble with
James H. Graham about a debt he
~~mentioned to me~~ ^{owed him}, meaning James D. Graham
owed to James H. Graham.

Ques. 2

What did you pay James D. Graham
for this note.

Ans. 2

I did not pay him any money for
this note. I promised to ~~pay~~ ^{to pay her} James D.
Graham's sister Sarah one hundred

dollars or a little more, ^{and the remainder to Dillard Graham} that is if I ever collected the debt on M. D. Richmond's estate, but if I never collect this debt I am never to pay James D. Graham ^{his sister or Dillard Graham} any thing for it.

Ques 3

Did you or not owe James D. Graham some three or four hundred dollars about the time you took this Richmond debt?

Ans. 3

Yes I owed James D. Graham some three hundred and seventy five or eighty dollars

Ques 4

Do you still owe this debt or any part of it?

Ans. 4

~~No sir, it is not paid.~~

Ans 4

Yes I still owe this debt, ^{as} Douglas Graham told me he wanted the money I owed him, I was not prepared to pay this note and he said I could lift my note and execute a new note to his brother Dillard Graham for this same amount ^{out}.

Ques. 5

Did James D. Graham rent a house of you any time last fall or winter saying that he would move into it soon?

Ans. 5

No sir he did not rent any house of me?

Ques. 6

Did James D. Graham talk to you

about renting and moving to your house?

Ans. He did.

Ques. 5

What was his object in attempting to rent, when at the same time he was winding up his business, as fast as he could to leave the state?

Ans.

I do not know, what his object was in talking about renting when he talked to me about it and about winding up his business, but it now looks like he intended to so arrange his business that James H. Graham could not collect his debt.

Ques. 6

Do you know of any one that is now indebted to James H. Graham more than has already been mentioned?

Ans.

I do not.

Ques 7

Do you know any thing about his wife Mollie C. Graham owning or controlling any separate estate from that of her husband, prior to the

Ans.

time James H. Graham began to wind up his business so that Jas. H. Graham could not collect?

Ans.

I do not know of any such estate.

Ques. How much does Mollie C. Graham hold your note for now?

Ans. She now holds my note for One Hundred Dollars, I think it was due Jan 1st 1891

Ques. Do you know of any other person that now owes Mollie C. Graham?

Ans. I do not, and further this witness saith not?

Witness

1 day

Fee .50

M. L. Slomp

Va. Lee County to wit:

I V. H. Kelly Notary Republic for Lee Co.

Va. do ^{hereby} certify that the foregoing dep-
ositions of M. L. Slomp ^{subscribed and sworn to} was taken

at Jonesville Camp Ground on the 29th day of August 1891 before me for the purpose stated in the caption, at the time and place ~~at~~ before mentioned.

Given under my hand This 29th day of August, 1891.

N. P. Fee

\$ 3.00

V. H. Kelly N.P.

The depositions of J. F. Witt and Wm. S. Hurst taken at the store house of Wm. S. Hurst in Lee Co. Va. Aug. 29th 1891. To be read in a certain suit now pending in chancery in the circuit court of Lee Co. Va., in which James H. Graham is Plaintiff and James D. Graham defendant.

The witness first being duly sworn deposeseth and says.

Question by plaintiff,

Ques. 1

Did you loan one said Willard Graham \$350⁰⁰ on or about Dec. 24th 1890. or any other amount,

Ans.

I loaned Willard Graham on Dec. 24th 1890 \$350⁰⁰ of Wm. S. Hurst's money by the direction of Wm. S. Hurst. James D. Graham also signed this note for the \$350⁰⁰.

Ques. 2

Has the above note of \$350⁰⁰ been paid off, if so who paid it?

Ans.

Yes it is paid off in full.

Ques. 3

Did you ever know of Mollie H. Graham owning or controlling any separate estate from that of her husband?

Ans.

I do not, never heard or knew of her controlling any business in that way, and further this deponent saith not.

Fee \$50.

J. F. Witt

as Also the deposition of Wm S. Hurst taken at the same time and place and for as mentioned in the caption of the foregoing deposition.

Question by plaintiff,

Ques 1

Did you direct J. F. Witt, who was transacting business for you, to loan Dillard Graham \$350⁰⁰ or any other amount, if so when and how much was loaned?

Ans

I did direct J. F. Witt to loan Dillard Graham \$350⁰⁰ Dec, 24th 1890

Ques. 2

Has this debt been paid off in full, if so who paid it and how was it paid?

Ans

It has been paid in full,

James S. Graham paid it, by returning the same check.

Ques. 3

Do you know of Mollie C. Graham owning or controlling any separate

estate from that of her husband?
 Ans. I do not, and further this
 deponent saith not.
 W. S. Hurst
 Fee \$5.00

Virginia, Lee County to wit,
 I V. H. Kelly Notary Public for the
 county of Lee in the state of Virginia,
 do, ^{hereby} certify that the foregoing depositions
 of J. F. Witt and Wm. S. Hurst were
 taken subscribed and sworn to before
 me at the time and place mentioned
 in the caption given under my hand
 this 29th day of August 1891

N. P. Fee

\$6.00.

V. H. Kelly N.P.

The depositions of Dr. J. P. Graham and others taken at the dwelling house of James H. Graham in Lee County, Va. Aug. 28th 1891. To be read in a certain suit now pending in Chancery in the circuit court of Lee County, Va. in which James H. Graham is Plaintiff and James D. Graham Defendant.

The witness first being duly sworn deposeseth and says,

Question by Plaintiff

Ques. 1 Are you the Treasurer of Lee Co. Va. and how long have you been Treasurer?

Ans. I am Treasurer of Lee Co. Va. and have been for four years from July 1 1887 to the present.

Ques. 2 As such Treasurer have you collected the Taxes of the County?

Ans. I have since the 1st of July 1887.

Ques. 3 Has James D. Graham paid taxes in said County up to the time of his leaving this state in Jan. 1891

Ans. He has paid taxes every year since I have been Treasurer, except the present year, and his

ticket was placed in the hand of one of my collectors and I haven't heard from it, I suppose it is paid,

Ques 4

Has Mollie C. Graham, the wife of James D. Graham, ever been charged with any property or money on the ^{assessors} books since you have been Treasurer, and if so has she paid any taxes on the same?

Ans.

No and she has never paid any taxes,

Ques. 5-

Did you ever hear ^{or know of} Mollie C. Graham owning any separate estate from that held in common with her husband? And further this deponent ^{not}

Ans.

I never did,

John P. Graham

Witness

1 day Fee \$.50

Also the deposition of H. B. Myers taken at the same time and place mentioned in the foregoing caption. The witness being first duly sworn deposeth and says.

Question by Plaintiff

Ques 1st

Are you indebted to James D. Graham, if so, how much and when due?

Ans.

I owe James D. Graham Five dollars
It was due, June 1st 1890

Ques 2

Do you know of any other person who owes James D. Graham?

Ans.

I do not, I have understood that his brother Dillard Graham was in debt to him some several hundred dollars, a few months ago, lately I hear he claims that James D. Graham owes him. I think it is the opinion of some of Dillard Graham's neighbors that it is a kind of sham to get rid of paying James H. Graham the debt which James D. Graham owes him,

Ques 3

Did you ever understand that Mollie C. Graham owned or claimed any separate estate from her husband James D. Graham until since James D. Graham undertook to keep James H. Graham from collecting his debt?

Ans.

I never did, she heird nothing from any one, as I have always understood it, I think her claim is merely set up to keep James H. Graham

from collecting his debt from her husband.

4 Quos

Did you ever know Mollie C. Graham to loan or control any money as her own separate estate, until James C. Graham began to close up his business to go to Texas?

Ans.

I never did.

Witness

and further this deponent saith not.

1 day

Wilson B Myers

Fee \$.50

Virginia, Lee County to wit,
I V. H. Kelly Notary Republic for the
County of Lee in the state of Virginia do
hereby certify that the foregoing depositions
of Dr. J. C. Graham and Wilson B. Myers
were taken, subscribed and sworn to
before me at the time and place mentioned
in the caption. Given under my
hand, This 28th day of August 1891

N P Fee

\$4.00

V H Kelly N.P.

J. H. Graham

vs } In Chancery

James D. Graham

Filed Aug. 1891

J. A. Hyatt c.

| | |
|-----------|------|
| A. P. Fee | 9.00 |
| J. D. | 75- |
| Wit | 3.00 |

The Depositions of James S. Graham,
Mollie C. Graham and Sarah C. Gra-
~~ham~~ taken before me

a for the County
of Hunt and State of Texas, pursuant to
notice hereto annexed at ^{Hloyd} the dwelling house
of James S. Graham in the County of Hunt
and State of Texas, on the 23 day of
November, 1891, to be read as evidence in
behalf of James S. Graham et al in a
certain Chancery Cause now depending
in the Circuit Court of his County &
State of Virginia, wherein James S. &
Mollie C. Graham et al are defend-
ants and James S. Graham is plain-
tiff.

The witness James S. Graham being
duly sworn deposes as follows:

Ques. 1st. State whether you hold a
note of \$350⁰⁰ executed by Dillard Gra-
ham to W. S. Hurst & when the same
begins to bear interest.

Ans. I don't hold any such a note,
nor any other.

Ques. 2nd. State whether Dillard Graham
is indebted to you and how much

Ans. Dillard Graham don't owe me
a single cent

Ques. 3rd. State whether Dillard Graham
on the 30th day of August 1890, or
at any time since that date, owed
you as much as \$600 or \$800?
and if so, when & how was it paid,
if it be paid.

Ans. On the 30th day of Aug. 1890 Dillard Graham
owed me about \$100.00. I have no recollection of
ever telling J. H. Graham anything about what
Dillard Graham owed me. Dillard paid me
all he owed me before I left Va.

Ques. 4th Did Dillard Graham on
that day or at any time since that
day, up to the time you left Va.,
owe you any sum of money, if so
how much, and is it paid, if
paid, how & when.

Ans. Pat Woods owed me nearly \$600.00
I put it into Dillard Graham's hands to
collect, which he did and paid it to me
about the last of December 1890.

June 5th Please state why it was
 you required M^r. Sloop to pay
 Sarah E. Graham, ^{out of the Richmond note} \$135⁰⁰ and the bal-
 of the Richmond debt to Sillars & Graham.

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Ques. 6th Please state if your wife loaned William Graham any sum of money, if so the amount, when it was, when the same is due and whether this money was yours or your wife's.

Ans. I think my wife loaned Dillard Graham
some money some time in Nov. 1890 not sure of date
about \$400⁰⁰ I think. It was due one day after date
It positively was not mine, but hers

17 Geo. 7th When were you & your
18 wife, married? 29th of January 1881

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Ans. Again January 29th 1881

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Ques. 8th State if you ever told James
H. Graham at any place, that Dic-
lar of Graham was owing you \$600⁰⁰
or \$800. or any other sum. if so where
was it and where.

Ans. I never told J. A. Graham any such a thing as Dillard owing me \$600 or \$800 or any other sum.

Question 9th State what representations made and inducements held out by Jas. H. Graham, when you purchased from him 1/2 of 5/12 of the State of N. Va. to sell Clayton's Sewing attachments & sewing machines, and whether they were true.

Ans. J. H. G. came to my ^{house}, spent the night with me. Next morning we took a walk and in a confidential way, ^{he} told me what a rich thing he had in his hands viz- The Clayton sewing machine ^{guilt frame} attachment. He represented it as the greatest thing that ever came into the country. What a great number, Thompson and others had sold in Lee Co, then said he had sold it through N. Va. and was as good a place to sell as Lee Co Va. He said that he would not ^{be} afraid to insure ^{that we} (meaning he and I) could clear \$9000. on the territory if we would go and sell it out together. He also stated that another man (intimating that it was Jack Lawson) would give him \$1000. or more, but that he wanted to give it to some of his friends; all the time claiming to be my good friend; and trying to show me what a rich thing I would miss if I did not go in with him. He said you are the man I want to go with me. All of which I found to be untrue.

Question 10th. State whether it was or not a part of the contract that J. H. Graham was to make you a deed to said territory, & if so, whether he has made you such a deed.

Ans. There was nothing especially said about a deed when we traded, as the express understanding was that J. H. Graham was to go and help sell, but when he began to deny that he was to help sell, I was much astonished and soon thereafter called for a deed. He put me off by saying "You will not need any as he had one." He has not made any deed to this day.

Ques. 11th State whether or not it was not a part of the contract that J. H. Graham was not to help, aid and assist you in selling said Territory purchased from him.

Ans. I signed those notes with the express understanding that J. H. Graham was to go with me and assist in selling said Territory, but that was verbal & I had known J. H. for a number of years and I thought he would stand up to his word without being ⁱⁿ writing. ~~He had already sold~~

Ques. 12th State whether any of said Territory was ever sold by you or either of you, if so to whom and for what amount, and who got the proceeds of such sales, you or J. H. Graham.

Ans. My understanding was that J. H. Graham sold to one Dock Brown 4 counties for \$500, also one other county to parties unknown to me for \$150. I suppose J. H. Graham got most of the proceeds. I know I never got any.

Ques. 13th State whether said Territory was ever divided between you & J. H. Graham. It was never divided.

Ans. It was never divided.

Ques. 14th When did you leave J. H.

Ans. On the 6th or 7th of January 1891

Ques. 15th Is there anything due you from Simeon Graham on the Elk. Pennington or Ark. Dehusk notes, if so how much

Ans. Not a single cent is due me on either of the above named notes.

And further. This deponent saith not

James D. Graham

Marcia E. Graham after being duly sworn deposes and says:

Ques. 1st State how much, & where does Sileard Graham owe you.

Ans. \$400. one day after date.

Ques. 2nd Is this yours or your husband's money and how came you to have money to loan.

Ans. It is my money.
I worked and made most of it.

Ques. 3rd State how much, does Mr. Li. Blunk owe you, when due & what for.

Ans. \$107. one day after date.
He borrowed money of me.

Ques. 4th Was this or not yours or your husband's money? It was my money.

Ans. It was my money.

Ques. 5th State whether you own a separate estate of your own, and how came you by it. I have a sep

Ans. I have a separate estate of my own. I have taught school for most of my money. I have taught twelve years. I mean one and two terms every year for twelve years. Part of the time I taught only one term of 5 months in one year, part of the time two terms in one year.

Ques. 6. Did you have any money or property when you were married to J. D. Graham if so, how much, and whether you have kept the same your own, independent from the control of your said husband.

Ans. I had \$228.00. which I have kept as a separate estate. I taught school for \$128.00 of this and heired \$100. from my Grand fathers estate. (J. M. Venable's estate) I have taught ever since I have been married made other money and kept it separate, I have loaned my husband money. He pays me interest.

Ques. 7th State if you did not teach school both before & after your marriage and how long & how much you made thereby.

Ans. I have taught school both before and after my marriage. Twelve years. Made by teaching since marriage \$1650.
" " " before marriage 128.
Heired 100.

Interest and other work I have done out-side of my family cares = \$408
Total \$2388.

And further this deponent saith not.

Mollie C. Graham.

Sarah E. Graham another witness after being duly sworn

and says.

Ques. 1st State whether Jas. D. Graham is now or was at any time since Aug 30th 1890, indebted to you, if so, what for, how much the amount and all about it.

Ans.

Jas. D. Graham
ads Depositions

James D. Graham
Received by mail
in good condition
Filed for 27th 1891.
J. A. S. Hyatt

And further this deponent with not
sign your name here

Pear, Hunt. Co., Texas:

I W A Frazer a Justice of the Peace & Ex officio Notary Public for the County of Hunt and State of Texas do certify that the foregoing dep. of James D. Graham, Mollie C. Graham and ~~Sarah C. Graham~~ were duly taken, sworn to and subscribed before me, at the time and place and for the purpose mentioned in the Caption. Given under my hand this 23 day of November 1891.

W A Frazer J. P. & Ex officio Notary Public Hunt Co, Texas

James D. Graham wife et al

~~and~~
James H. Graham

} In Chancery

The depositions of J. W. Cecil
and others, taken on the 13th Nov
1891, at the Clerk's office Circuit Court
at the time of taking an account
in said Cause, which are intended
to be read as evidence on behalf
of the defendants.

Said J. W. Cecil a witness of lawful
age being duly sworn deposes
and says.

Some time in March 1890,
Dillard Graham borrowed \$60.⁰⁰
Dollars of me, to be paid in
twelve months, and about
the time it became due, some
time in March 1891, said Graham
paid off his note, this is about
all said Graham ever owed me
from Aug. 30, 1890, ^{till March 1891} he purchased
some values of me, but paid
me for them, about, Sept. 1891,
And further this witness saith not

J. W. Cecil

J. S. Graham et al
ads
J. H. Graham } In Chancery
The depositions of B. F.
Thompson.

Taken by agreement on the 21st day of
Nov. 1891 at the Circuit Court clerk's
office of the County, Va., which
are intended to be read as evidence
in behalf of the defendants in
the Chancery cause of James
H. Graham plaintiff vs. James
S. Graham et al defendants
now pending in the District
Court of the County, Va.

Present

James H. Graham plaintiff
+ E. W. Cunningham Atty. for Defs.

A. H. Ely a witness
of lawful age after being duly
sworn deposes as follows,

Ques. 1st State if you know
whether Sealed Graham made
sales of any property in the
fall of 1890, if so, what
property, and for what sums
of money.

Ans. I know of him making
no sales of any property, except
on about Nov. 22nd 1890 I
bought from him about one-half
of an acre of land for which I
paid him on that day forty dollars.

X examined by Plaintiff.

Ques 1.

Did you or not ever have any conversation with James D. Graham or his wife Mollie C. Graham concerning the trade I made with him about the putting frame attachment?

Ans.

I did not.

Ques 2

Did you ^{or not} have a conversation with Dillard Graham concerning the trade I made with his Bro. J. D. Graham, did he or not say any thing about J. D. Graham leaving the state. If so state the conversation as nearly as you can?

This question is objected to because any conversation or words Dillard Graham may have had with the witness, should not affect the rights of James D. Graham and would be hearsay.

Furningham & Orr for Defs.

Ans 2.

In the conversation I remember he said he owed Mollie C. Graham about \$400. This conversation took place about Nov. 22 1890, I don't remember about him saying any thing about J. D. Graham leaving the state or any thing about the trade.

Ques 3

From the conversation you had with Dillard Graham, did he or not say any thing that caused you to think that J. D. Graham and wife was trying to arrange so as to prevent J. D. Graham

from collecting his debt?

This question is objected to because the opinion of the witness is not evidence, that the question is argumentative.

Pruniglan & Co for debts.

Ans
wit claim
5-8^{ths}

Nothing that I now remember of.
and further this deponent saith
not.

A. H. E. G.

B. F. Thompson an other witnesses
of lawful age being duly sworn
deposes and says.

Ques 1 By Atty Gen Dillard Graham.

Please state whether you
ever had any conversation with
James H. Graham concerning the
sale of said Sewing machine at-
tachments to James. H. Graham,
if so state what it was.

Ans. I had several conversations with
J. H. Graham and J. D. Graham
about this matter and Trade at
different times, I cannot now
pretend to tell all that was
talked of between the parties,
but I understood from both
the parties, that James H. Graham
sold one half ^{of this} interest in the State
of West Va, in the said ~~clayton~~
quitting attachments, said interest being
being five twelfths, for One Thousand
Dollars. 400^{ff} thereof to be paid Jan'y 1 1881

without Conditions and 600 of the
remains thereof to be paid twelve
months thereafter upon conditions that
if sales were made to justify, all
was to have been paid on July 1st
1891. if not time was to be given
as stated 12 months from July 1st
1891.

Mr. James H. Graham as I
understood from him, ^{stated to me} that after
he sold to J. D. Graham, he agreed
with said J. D. Graham that he would go
with him and help him, said J. D. Graham
to start in making sales of this patent.

J. D. Graham claimed to me that
he understood it differently, and that
it was his understanding that said
James H. Graham did, at the time the
trade was made agree to go with
him and stay with him and help
him sell out the territory, he also
stated to me that if James H. had
not so agreed he would not
have made the Trade.

Ques. 2nd Please state whether Jas. H.
Graham did or not make any
trip to H. V^a with Jas. J. Graham
to see said territory, if so state
whether any of said territory was
sold, for how much and who
got the proceeds of such sale.

Ans. Both the Mr. Graham and I went
to West Va. Mercer Co., on said business
we started some time in Oct. 1890.

One County was sold (Mercer County)

at the price of 150\$ including
several orders which had been
taken, some over twenty,
notes therefor was left in the
hands of J. H. Graham,

Mr. James H. Graham some time after
he had sold to J. D. Graham the
interest before stated and before we
went to West Va. sold to Dr. Brown
five Counties, (named in the
deed to him) for the price of
three hundred Dollars, cash
in hand.

Ques. 3. State whether the territory
of W. Va. which J. H. Graham
at the time J. H. sold to J. D. Graham,
owned, was ever divided between
Jas. H. & J. D. Graham, ^{before said sales were made} state all you
may know about it.

Ans They never divided before nor after
as I knew of.

Ques. 4. State what interest you
had in this State, if any.

Ans I had one twelfth, and owned
the same at the time James H.
and J. D. Graham traded.

Ques. 5. State whether any deed
was ever made for said territory
by you & J. H. Graham or either
of you to J. D. Graham.

Ans None that I know of.

Ques. 6. State whether J. D. Graham
on the trip he made to W. Va.
made any or proper efforts to sell
said territory by canvassing & exhib.

thing said attachments.

Ans. 1 He done the best he could, James H. Graham and myself done the most of the talking.

Ques. 7th. State whether by proper efforts from what you observed while in W. Va. said territory could have been sold in twelve months, or what time would it take to see & collect the money for said territory.

Ans. I don't believe the Grahams could have sold said territory in 12 months, but I think I could have sold it in that time or less at reasonable prices.

X examined by Plaintiff
Ques 1 Did J. H. Graham remain in W. Va. as long or longer than J. D. Graham. Please state how this was?

Ans. J. H. remained longer.

Ques 2 Did you ever have any conversation with J. D. Graham & Mollie C. Graham at your house soon after he returned from W. Va. or at any other place if so please state the conversation? This question is objected to because immaterial being general & c. & time & place is not fixed.

Pennington & Orr.

Ans. J. D. Graham and his wife Mollie C. Graham came to my house and stayed all night with me soon after I returned from W. Va. the

Came home about a week before I did. We had considerable talk over the quilting patent, I tried to encourage them, to go and try and sell the territory, James D. talked but little, Mollie stated she would have nothing to do with it, and that she had made her money hard and she aimed to keep it, and that he had got into it and he could get out.

Ques 3 Did you at that time or at any other conversation with said party, gather from them by words or act that they was trying to shape their business so that J. D. Graham could not collect his debt?

This question is objected to because it asks for an opinion of the witnesses & not the facts & time and place not fixed. J. & are atty for deft.

Ans By their acts I did.

Ques 4 Please state what those acts were that led you to such conclusion?

Ans By disposing of his property and the collecting of his debts in the manner in which he did.

Ques 5 How did he dispose of his property and collect his debts?

Ans He sold what he had and called all his money in the talk was that he was going to only move below town, but by his selling all his beds

and other little things about his house led me to believe he went ~~other things~~ ^{and the reports in the country} was going further from his maneuvers, my opinion was that he aimed to evade the payment of this debt, by leaving the country.

Ques 6 Do you know of J. D. Graham or his wife transferring any debts after Aug 30. 1890 to the time of his leaving Tex. if so to whom?

Ans I dont know of any.

Ques 7 Do you know any person who is indebted to J. D. Graham & wife if so who?

Ans I dont know of any.

Re examined

Witness States that he knows that Mollie L. Graham wife of J. D. Graham was a teacher of the Public Free Schools, and had been so engaged for several years, before and after her marriage to J. D. Graham
And further this witness saith not.

B. F. Thompson

J. K. P. Graham an other witness being duly sworn deposes and says.

Some time during the summer of 1890. Mollie L. Graham asked me which places, Lenn, Texas or this country would be the most profitable

to buy a home, and stated she or
they had enough money to buy
them a home - and wanted to
do so, I then asked her if Willard
had paid them for the land he
had purchased of them, and she
witness said he had ~~about \$1000~~ ^{or nearly} so.

509

And further this witness saith not.

J. P. S. ratum

The further taking of depositions
in this cause
is continued until Friday
Nov. 27th 1891. J. A. S. Hyatt Comr.

Gas D. Graham
ad 3/3 Depo

James H. Graham
Abandoned

| | |
|----------|-------|
| Courtesy | 4 00 |
| Witt | 1.58 |
| | <hr/> |

The Deposition of Levi Music taken
Oct 30th 1891 in the public road near
Levi Music's dwelling house in Lee
County state of Va., to be read in a
certain suit in chancery in the circuit
court of Lee County state of Va. in which
James H. Graham is Plaintiff and James
D. Graham defendant,

The witness, ^{being of lawful age} after first being duly
sworn, deposeth and says,

Question by Plaintiff,

Ques 1

Are you acquainted with J. D. Gra-
ham, if so how long have you
known him?

Ans.

I am, and had known him for
about eleven months before he left Va.

Ques. 2

How near did you live to him
during the eleven months that you knew
him?

Ans.

In some four hundred yards or a little
more.

Ques 3

Did you attend to business for J. D.
Graham in the fall of 1890 when he was
gone to W. Va.

Ans.

I fed his fattening hogs and
gathered some corn for him,

Ques. 4

Was you at J. D. Graham's house
on the 1st day of Jan. 1891.

that being the day that J. H. Graham called on J. D. Graham for the money he J. D. Graham owed him?

Ans. I was there,

Ques 5- Did you buy a black mare from J. D. Graham on that day?

Ans. I bought her on that day ~~and was~~ let him have her back soon,

~~Ques 6~~ or a few days before, and let J. D. Graham have her back soon,

Ques 6 How much did you pay for the mare?

Ans. One Hundred Dollars,

Ques 7 From whom did you borrow money to pay for the mare you was buying from J. D. Graham

Ans. I borrowed the money from J. D. Graham himself. So as to aid J. D. Graham to shift his mare so that

~~Ques 8~~ J. H. Graham could not attach on her for his debt,

Ques 8 Did J. D. Graham ~~or~~ ever tell you that he intended to arrange his property and money so that J. H. Graham could not collect his debt,

Ans. J. D. Graham had never intimated in words, any thing of that kind only when he loaned me money to buy his J. D. Graham mare as I before stated

and said he wanted to arrange so that J. H. Graham could not attach the mare.

Ques 9 Did J. D. Graham tell you at or about the time he was arranging to move that he had rented a house from M. L. Semp and was going to move into it. If not what did he tell you?

Ans. He did.

Ques 10 Did he move into the Semp house?

Ans. I do not know.

Ques 11 Do you regard J. D. Graham as a truthful man?

Ans. I do.

Ques 12 If he is truthful, He moved into the Semp house, did he not?

Ans. If he is what I thought he was he must have moved into it.

Ques 13 Did you not know or nearly know when he meaning J. D. Graham proposed to loan you his own money to buy his J. D. Graham's own mare and telling you at the same time that he wanted to shift his mare so J. H. Graham could not attach her for his debt, that there was something wrong in J. D. Graham in this matter?

Ans.

It looks like that he did not intend to pay J. H. Graham if he could shift his property in a way that J. H. Graham could not get at it, I think this is why he came to me and proposed loaning me money to buy his own mare,

Ques 14

Does it not look ^{to} you from the way he attempted to shift his mare that he meaning J. H. Graham, would shift all the property or money that he had on hand, for the same reason that he shifted his mare?

Ans

It looks like he would.

Ques 15

Is it not reasonable to suppose that if he had debts due him that he could not collect at that time, that if he assigned them or had the notes changed and made payable to other parties, that he did it to hinder, delay and defraud J. H. Graham out of his debt?

Ans.

It looks that way to me, and further this witness saith not.

Witness claim \$.50

Levi ^{his} Mueir
mark

5th
11

The deposition of Elkanah Pennington taken Oct. 30th 1891 at the dwelling house of said Elkanah Pennington in Lee county state of Va., to be read in a certain suit in chancery, in the circuit court of Lee county state of Virginia, in which James H. Graham is Plaintiff and James D. Graham is Defendant, ^{being of lawful age} The witness, after first being duly sworn deposeth and says,

Question by Plaintiff,

Ques 1

Did you borrow some money from James D. Graham and execute your note to him for the same also did you buy some corn from him, if ^{so} ~~some~~ how much did you borrow and when, and how much corn did you buy from him?

Ans.

I borrowed two hundred dollars of James D. Graham about Sept, 1889 and executed my note to him for the same, I bought from J. D. Graham in the fall of 1890 some one hundred and forty dollars ^{of corn} worth or a little more.

Ques. 2

Have you paid James D. Graham the money you borrowed from him,

6th

Ans,

also for the corn you bought of him?
I ~~had~~ paid him for the corn,
and I paid One hundred and fifty
eight dollars which ~~was credited on~~
he meaning J. D. Graham receipt-
ed me for and which was to go
as a credit on ~~a~~ ^{the} note for borrowed
money. If I recollect right
about it I owed a balance of
\$62.32 Jan. 1st 1891 This amount is still
unpaid with interest thereon from
Jan. 1. 1891

Ques. 3

Did James D. Graham assign
this note which you owed him for
borrowed money to any other party,
if so to whom?

Ans,

He said he had sold it to his
Brother Dillard Graham, a short
time before J. D. Graham left the state,
and he J. D. Graham urged me to pay
Dillard and said Dillard was very
much in need of it.

Ques. 4

Did James D. Graham tell you that
he had assigned this note (meaning
the note that he said he sold his Bro.
Dillard) to his wife Mollic B. Graham
some time in the fall of 1890

17th

Ans. He never told me any thing ^{about} assigning it to his wife, but said he sold it to his Bro. Dillard, and that his

Ques. Bro. Dillard was needing the money.
Ques. 9 If it is true that James D. Graham did assign this note to his wife had he any right to sell it to another party?

Ans. I should think not,

Ques 10 How near did you live to James D. Graham from August 30th 1890 until he left the state?

Ans. Some two or three miles.

Ques 11 From what you saw and heard of James D. Graham and Mollie C. his wife changing and shifting property and notes that J. D. Graham could not collect up to the time of his J. D. Graham leaving the state,

~~Do you not believe this assign~~
and Do you have any reason to believe that all this shifting and changing of property and notes was done to hinder, delay and defraud J. H. Graham in the collection of his debt?

Ans. I am made to believe that from J. D. Graham and wife's movements in changing of notes and property, was

done to prevent J. H. Graham from collecting his debt,

Ques 12

Did you ever hear any expressions from J. D. Graham and wife that led you to believe they was intending to manage and shape their property and money to so as to prevent J. H. Graham from collecting his debt?

Ans.

I heard some expressions from both J. D. Graham and his wife that led me to believe they did not intend to pay J. H. Graham if they could avoid it.

Ques 13

When did this conversation occur?

Ans.

Some time (not long) before they left this state;

Ques. 14

and further this witness saith not,
N. P. Fee \$2.00

Elkanah Pennington

Virginia, Lee Co. to wit, I V. H. Kelly Notary Republic for the county of Lee in the state of Virginia do hereby certify that the foregoing depositions of Levi Music and Elkanah Pennington were taken, subscribed and sworn to before me at the times and places mentioned in the caption, Given under my hand, This 30th day of Oct. 1891

V. H. Kelly, N. P.

James H. Graham
Depo.

no 3

J. D. Graham

Filed Nov. 12/89.

J. A. Hyatt &

Notary fee 2.00
Witness .50
\$ 2.50

274
3.00
6.24

1st
"

The deposition of Dillard Graham taken Oct 30, 1891 in the Leane Creek church house in Lee County state of Va. to be read in a certain suit in chancery in the circuit court of Lee County state of Va., in which J. H. Graham is Plaintiff and James D. Graham is Defendant, The witness being of lawful age after being duly sworn deposes and says, Question by Plaintiff,

Ques 1

Ans.

Are you a brother to James D. Graham,
I suppose I am,

Ques 2

Where do you live, do you own a farm,
How many acres does it contain?

Ans.

I live on Leane Creek, me and my wife own a farm, my deed calls for 120 acres more or less

Ques 3

How much can you make in net cash out of the proceeds of your farm yearly?

Ans.

I make my support, and I make some clear money on it,

Ques 4

Do you make as much as one hundred dollars clear each year?

Ans.

I think I do.

Ques. 5

Have you any other income except what you make on your farm, if so what is it?

Ans.

I have none except I trade a little some times I make a little and some times I loose a ~~little~~ some,

Ques 6

How many head of horses, cattle, sheep & hogs did you graze fatten and sell

in the fall of 1890, to whom did you sell and how much did you get for them?

Ans

I sold two head of horses, something the rise of twenty cattle, seven sheep and three hogs. (I sold to John Cecil one colt and to Andy Sebusk one colt sold for fifty dollars each) I sold my cattle to Mr. T. Gilly, Kyle Turner, and Peter Shelburn, I think my cattle brought me between three and four hundred dollars. I don't now remember how much my sheep and hogs brought.

Ques 7

Did you have any debts due and payable to you from Aug 30 1890 to the time your Bro. J. D. Graham left the state?

Ans.

Yes sir, Mr. T. Gilly owed me \$100, he paid me Jan. 6, 1891

Ques 8

Did you owe any one Aug 30, 1890, if so who and how much did you owe?

Ans.

I owed J. D. Graham about one hundred and thirty eight dollars on or about Nov. 15, 1890, This amount less the interest was due him Aug. 30, 1890, I owed J. H. Cecil about sixty dollars.

Ques 9

To whom have you paid money since Aug. 30, 1890, on debts you owed to them and otherwise to Jan. 1891 when your Bro. left the state?

Ans

I have paid no money to any other parties, ^{those named above that I now remember} except I have bought a few

calves and very few.

Ques 10

How much money have you paid out since Aug. 30, 1890, to the date your Bro. J. D. Graham left the state, ^{to any person} for all other purposes not included in a former question?

Ans.

I cannot answer that, I don't know how much I have paid out.

Ques 11

Did you or not tell J. H. Graham some time in the fall of 1890, at J. H. Graham's dwelling house, when you asked to see a deed concerning a certain a certain Spring which is on the east end of your farm, that you owed J. D. Graham some \$600 or \$800, and was it not for that, that you would pay a liberal price for the Kelly half of the spring or words to that amount?

Ans.

I did not do it, if I had a done it, it would have been a lie.

Ques 12

Did you buy any horses from any one from Aug 30 1890 to the time J. D. Graham left the state,

Ans.

I bought three head of horses,

Ques 13

From whom did you buy them and how much did you pay for them?

Ans.

I bought one from Summers Bailey and paid \$100. for it, and two from my Bro. J. D. Graham and paid him \$245. for them if I am not mistaken,

Ques 14 Did you or not buy a note from James D. Graham which was executed by M. L. Slomp to said J. D. Graham?

Ans. I have no recollection,

Ques 15 How much money did you loan M. L. Slomp for the purpose of paying J. D. Graham

Ans. I dont remember the amount I did loan him, I think it was between three and four hundred dollars, I dont now remember the exact amount that Slomp borrowed,

Ques 16 Where did you get the money you loaned to M. L. Slomp?

Ans. I had some money on hand of my own, and I borrowed some four hundred dollars, It was out of this money that Slomp was paid,

Ques 17 Did you let M. L. Slomp have a check or did you loan him cash?

Ans. I let him have cash;

Ques 18 From whom did you borrow this four hundred dollars for M. L. Slomp?

Ans. I borrowed it from Mollie C. Graham the wife of James D. Graham,

Ques 19 Have you paid this \$400. borrowed money to Mollie C. Graham or is it still due and owing?

5th

Ans It is not paid I owe it,
Ques 20 When is or was this \$400. due to Mollie
C. Graham?

Ans I owe her \$400, which will be due
Jan. 1st 1892,

Ques 21 How is it, that you state in your an-
swer that it is due Jan. 1 1891 and now
state it is not due till Jan. 1. 1892?
This question is excepted to because answer shows
1892 Pennington for Deft.

Ans. I think it is a loss of memory,

Ques 22 When did you borrow this money of
Mollie C. Graham

Ans. I borrowed it in the fall of 1890 in
Nov. and was to have it for twelve months
or more,

Ques. 23 Are you in the habit of borrowing
money to loan?

This question is objected to because immaterial
and irrelevant, Pennington for Deft.

Ans. Not particularly, I have a few times in
life loaned money that I had borrowed
to accommodate friends,

Ques. 24 How much did you pay J. D. Graham for
the mare you sold M. L. Slomp?

Ans. I paid him \$145 I think it was,

Ques 25 How much did M. L. Slomp pay you for
this mare?

- Ans He paid me the same amount \$145.
- Ques 26 How much did you pay J. D. Graham for the other mare?
- Ans, I paid him \$100.
- Ques 27 What did you do with this mare?
- Ans I sold her to J. P. Myers.
- Ques 28 How much did J. P. Myers pay you for her?
- Ans, Thats none of your business
Thats my business,
- Ques 29 Did you or not buy a note from J. D. Graham which was executed by Elkanah Pennington to said J. D. Graham some time in the fall of 1890?
- Ans I did,
- Ques 30 How much did you pay for this note, where did you get the money with which to pay J. D. Graham?
- Ans, I bought the note and was to pay for it when ever I could, there was no particular time set when I should pay it, Elkanah Pennington paid me \$158, or about that amount, about that time M. L. Slemph paid me \$55, in cash,
- Ques 31 How much did the note you bought of J. D. Graham call for, I mean the Elkanah Pennington note;

Ans. \$220,32

Ques 32 How much of this note is unpaid by Elkanah Pennington?

Ans. \$62,32 with interest from Jan. 1, 1891,

Ques 33 When did you buy this note?

Ans. Some time in the fall of 1890. It was it was in November 1890. Some time cannot state,

Ques 34 I see by examination of this note that J. D. Graham did not assign it (the note) to you. Why is this? This question is excepted to because immaterial to any issue in this cause. Pennington for Deft,

Ans. I suppose I considered it not necessary as I considered Pennington good,

Ques 35 I see by examining this Elkanah Pennington note that it is signed over by J. D. Graham to Mollie C. Graham the wife of J. D. Graham, Oct. 15th 1890. Now how is it that you bought it (the note) from J. D. Graham instead of his wife?

Ans. I cannot tell you, that had nothing to do with it, I don't know what transaction occurred between them, meaning J. D. Graham and wife.

Ques 36 Please tell me in particular about the M. L. Slomp trade, that is the sale of the mare referred to above and the \$200, payment?

Ans, M. L. Slomp paid me \$200. on the note he owed me for borrowed money, I mean he sent it to me, when I wanted him to take the mare I got of J. D. Graham he could not pay me for the mare, and I then allowed him to place a credit of \$55, on the note and let \$145. go to pay for the mares

Ques 37 You say he sent the money to you, By whom did he send the money?

Ans, I think James D. Graham brought the money to me,

Ques 38 Did you deliver the mare to M. L. Slomp or did some one else do this?

Ans, I did it myself,

Ques 39 Why did you pay J. D. Graham \$100. for the other mare and turn ~~on~~ round and sell her for \$90. so soon after buying? This question is objected to because it is not shown that this mare was sold for \$90.

Ans, Pennington for Deft,
He told me to take the mare for \$100. and if you have to sell and loose any thing on her that he would make it good if I loose any thing on her,

Ques 40 Do you buy stock as a stock dealer or only occasionally?

Ans, Objected to be cause immaterial,

Pennington for Deft,

9th

Ans. I deal in stock a little and sell when ever I want to do so and can,

Ques. 41 Are you in the habit of buying stock to sell and having the party from whom you buy be responsible for your losses?

Ans. I suppose I have a few times in life. This is the only circumstance that I now remember, that was his proposition,

Ques 42 Do you know of any party who is indebted to J. D. Graham or his wife Mollie C. Graham, If so who?

Ans. M. L. Slomp says he owes her \$107. of her school money.

Ques. 43 I understand from you now that you have bought other debts, that you did not mention until now. Why did you not answer it in your former answer that was asked on that subject, Tell us all about it now. This question is objected to because it has not been asked about buying any other notes than the Pennington & Slomp notes,

Ans. Pennington for debt, I answered everything as I remembered it, at the time, I bought from J. D. Graham notes on one A. K. Debusk, one note for \$150, due Oct. 1, 1891 and one

- 10
- Ques 44 for \$175, due Oct 1, 1892,
Why did you buy these notes?
Ans. I bought them because he proposed to sell them to me,
- Ques 45 How much did you pay ^{him} ~~me~~ for these notes, and did you pay cash or some other way?
Ans. He gave me a little something or was to do it, may be five dollars on the \$100, or it may not have been more than two dollars and fifty cents on the \$100, I paid him cash for these notes,
- Ques 46 Did you borrow from one J. F. Witt or W. S. Hurst any amount of money in the fall or winter of 1890, if so how much did you borrow?
Ans. I borrowed \$350, of J. F. Witt he consulted Mr. W. S. Hurst about it,
- Ques 47 Why did you borrow this money, What use had you for it?
Ans. I borrowed it to use as I seen proper perhaps I borrowed it to pay J. D. Graham for the Debask notes,
- Ques 48 Have you paid the note you executed to W. S. Hurst for \$350, on Dec, 24, 1890
Ans. I have not, I went to see about the note soon after it was due and it

was paid off and there was nothing against me at W. S. Hurst's that note is out standing some where,

Ques 49 What did you get from W. S. Hurst cash or something else amounting to the \$350,?

Ans. I got a check, I think,

Ques. 50 What did you do with this check?

Ans. I let J. D. Graham have it,

Ques 51 What did J. D. Graham do with it?

Ans. I cannot tell what he did with it,

+

The reading of these depositions are excepted to be cause 1st J. D. Graham the plaintiff in this cause wrote all the answers of the witness, 2nd because these depositions are taken without any notice being given to any or either of the Defts, 3rd Because the officer before whom these depositions are being taken is a party deft, in this cause and brother in law of the plaintiff.

X examined,

Ques 52 How many in your family, state whether your family expenses are great or small and whether your farm is a productive one?

Ans. I have small family only three

family expences reasonably, have not lived extravagantly my farm all but ten acres is in cultivation present crop will average 50 bushels per acre some nine or ten acres in corn wheat four acres six bushels per acre ballance except six acres in grass

Ques 2 Did you loan Luther Slemph money for the sole ~~use~~ purpose of paying J. D. Graham's note or do you only know what L. M. Slemph said about the money at the time you let him have it?

Ans I only know what he said about it, at the time I let him have it,

Ques 3 State, whether J. D. Graham and Mollie his wife were married since Apr. 4th 1877?

Ans My recollection is they were married in the year 1880.

Ques 4 State whether Mollie C. Graham both before and after her marriage with J. D. Graham was not a school teacher and acquired in that way money of her own?

Ans. I only know that she taught school every year but one since

there marriage she has made an average per year about \$100, in teaching school,

Ques 5 State if you know whether Mollie C. Graham claimed what she ~~made~~ as her own separate property independant from the control of her husband?

Ans, I have heard her claim it as her own and in the presence of her husband which I never heard him dispute and this I have heard her claim before this trouble began between J. D. Graham and J. H. Graham

Ques 6 Whose check was given you when you borrowed the \$400. from Mollie C. Graham?

Ans Her own, and it was paid when presented at the bank,

Ques 7 Did you or not borrow it for ~~the sole purpose of loaning it, but had two or three other objects in view,~~ this money for no other purpose than to loan?

Ans, I did not borrow it for the sole purpose of loaning it but had two or three other objects in view,

Ques 8 State whether you hold against J. D. Graham any note, if so the amount and what it was given for?

Ans. I do hold a note of \$250. in my hand for my interest in my father's estate against him,

Ques 9 State if J. D. Graham should hold your note executed to W. D. Hurst taking out what he owes you how how much would you owe on it,

Ans. about \$100.

Ques 10 Do you owe Mollie C. Graham or J. D. Graham any other sums of money than that above detailed that is the \$400. and the \$100.?

Ans. Nothing of my recollection.

Ques 11 Have you any of his effects in your hands other than the notes mentioned in your answer.

Ans. I have not.

Ques 12 Was the \$220.32 note fully paid by you before process in this cause was served upon you?

Ans. Yes sir it was.

Reexamined by Plaintiff.

Ques When did you sell your interest

Ans. in your Father's estate to J. D. Graham?
 Some time last winter 1890 but
 before the process was served
 issued in this cause.

Ques How much is your Father's lands
 worth?

Ans. I cant tell you.

Ques. How many children has your
 Father?

Ans. He has nine living if
 Ques. Is he now married to a young
 woman, and have they any chil-
 dren?

Ans. He is, and they have one child,
 Ques. Did you make a deed to J. D. Gra-
 ham for your interest sold to him?

Ans. Yes sir,

Ques Who took the acknowledgement
 of this deed.

Ans. They are untaken,

Ques Is a deed valued or binding un-
 till it is acknowledged?

This question is objected to because
 the witness can not swear to a
 point in law, Pennington for Deft,
 Ans. I dont suppose it is.

Ques How came you to sell your in-

terest to J. D. Graham?

Ans. J. Douglas solicited me to sell,

Ques. When was he to pay you for this land?

Ans. I cant state that, I think the note
was given one day after date,
and further this deponent says not.

N.P. Fee \$2.00

Dillard Graham

Virginia Lee County To wit
J. V. H. Kelly Notary Public for the
County of Lee in state of Virginia do
herby certify that the foregoing depo-
-sitions of Dillard Graham wer
taken subscribed and sworn to
before me at the time & place men-
-tioned in the Caption Given
under my hand this Oct 31st 1891

V H Kelly. N.P.

James H. Graham

3
as 3 Depo

James H. Graham

Filed Nov 12 1891

J. H. Hyatt

Notary fee \$3.00

James H. Graham Plff
vs
J. D. Graham et al Defts

3rd Chcy

This day James H.
Graham personally
appeared before me
and made oath in
due form that the defts
J. D. Graham and Mollie
K. Graham in the above
styled cause are now
residents of this State
Given under my hand
this 1st day of Feby 1891

J. A. Hyatt C

Jas. H. Graham
vs. ³ Affidavit

J. D. Graham et al

Filed Febry 22nd 1891.
J. A. Hyatt

Virginia Lee County to wit:

This day James H. Graham personally appeared before me the undersigned and made oath that James D. Graham is justly indebted to him in the sum of \$1016.48 - \$400⁰⁰ of which ~~the~~ due by note under seal, was due & payable by the first day of January 1891; and \$600⁰⁰ of which due by note under seal will become due and payable on the 31st day of August 1891; & as the residue, \$16.48 due by account became due and payable on the 17th day of Nov. 1890 - That said James D. Graham is a non resident of the State of Virginia, but has debts and estate due him in Lee County Virginia and that said James D. Graham has assigned and attempted to dispose of the debts due him in said County of Lee and endeavored to dispose of them with intent to hinder delay & defraud affiant from the collection of his debt - Given under my hand & seal this January 21st 1891.

J. A. G. Hyatt Clerk

James H. Graham

353 Affidavit.

James D. Graham & Co

Filed Jan. 22nd 1891,

J. A. Hyatt & Co

1890

Nov 17

James D. Graham

To James D. Graham Dr.

To money paid laid out and
expended for you on a trip to
West Virginia being expenses
paid on the road. This sum. \$16.48

James H. Graham

2} Acct. \$16.48

James D. Graham
~~~~~

"D"



KNOW ALL MEN BY THESE PRESENTS, That I *James H. Graham*  
*and A. R. Hyatt*  
am held and firmly bound unto the Commonwealth of Virginia, in the sum of *Two*  
*thousand Dollars* to be made to the said Commonwealth, for which payment,  
well and truly to be made I bind myself, my heirs, executors and administrators, firmly  
by these presents. And I hereby waive the benefit of my homestead exemptions as to  
this obligation, and any claim, right, or privilege to discharge any liability arising under  
this bond in any currency, funds, counter claims or offsets other than legal tender cur-  
rency of United States. Sealed with my seal, and dated *23<sup>rd</sup> day January*  
of *1891*, one thousand eight hundred and *Ninety one*

The Condition of The Above Obligation is Such, That whereas a suit hath been in-  
stituted in the circuit court of the county of Lee by *said James H. Graham*  
*against James D. Graham & Matie L.*  
*Graham his wife, Dillard Graham & Mattie*  
*Graham his wife, M. L. Slough, W. B. Myers, V. H. Kelly,*  
*Elfranch Pennington & H. L. Jolly as defendants*

a suggestion was entered by the *Clerk of the Court* that the said  
*James D. Graham and Matie L. Graham*  
*his wife are*

not resident of the State of Virginia, and that security was required of *Plff.*  
for the payment of the costs and damages which may be awarded to the said defendants  
and of the fees due or to become due in the said suit to the officers of the said court. Now  
if the above bound *James H. Graham*

shall well and truly pay all such fees as are due or may become due from the said  
*James H. Graham*

to the officers of the said court in the prosecution of the said suit, and moreover shall well  
and truly pay to the defendant all such costs and damages as may be awarded to *them*  
in case the said plaintiff shall be cast therein, and condemned to pay the same, then this  
obligation to be void, or otherwise to remain in full force and virtue.

Executed, acknowledged, &c., in the presence of

*J. H. Graham* (SEAL.)

*A. R. Hyatt*

In the Clerk's Office of the Circuit Court of the County of Lee

The above named *J. H. Graham & A. R. Hyatt* this day made oath  
before me *J. A. G. Hyatt*, clerk of said court, that his estate, after the payment of all his  
debts, and of such liabilities as he may have incurred as security for others, is worth the  
sum of *Ten Thousand Dollars* the penalty of the above bond.

Given under my hand this *22<sup>nd</sup>* day of *January* 1891.

Teste: *J. A. G. Hyatt* Clerk.



James H. Graham  
res <sup>3</sup>/<sub>4</sub> Bond

James D. Graham et al

Filed Jan'y 22<sup>nd</sup> 1891.

J. A. Hyatt



Floyd Hunt Co,  
Texas Nov 19, '91

Hon. C. W. Pennington,

Dear Sir,

I find this paper all  
"O. K." except what is  
said concerning  
the expense money  
to West Virginia in  
making out the I left  
out what is enclosed  
in brackets. I now  
explain to you. When  
we started the agreement  
was that all were to  
bear equal in the ex-  
penses of the trip, as  
Thompson had but one  
fifth share he was to  
bear only one fifth of



expense. Hence and I  
were to bear the rest  
equally. I bore my part  
of expense while I was  
with them but I came  
home a few days before  
they died when they came  
they made an account  
of \$16.00 and presented  
to me which they claimed  
was my part of their  
expense after I left them.  
They had sold nothing  
when I left them but  
when they came they said  
that they had sold a  
county for \$150.00, when  
they presented this  
account to me, I said  
"Gentlemen take it  
out of my part of that  
\$150.00 for which you  
sold that county."

You see I agreed  
to pay my part. ~~Now~~  
you can mark it  
out or do as you like  
with it as I have  
explained.  
When Hence came to  
me on the first day  
of Jan 1891 to see if  
I was ready to pay  
him. He said that  
he had (I think) about  
6 counties left and  
that he would give  
them to Dr. Brown  
and myself. Why did  
he do this? He knew  
that he had rascled  
us, didn't he? I do not  
know exactly what Hence  
got for the five counties  
that he sold to Dr. Brown.  
Kyle Turner told me that



Hence told him that  
Dr. Brown gave him (Hence)  
500.00. You can have Dr.  
sworn if it is necessary  
& claims my part so  
will Thompson.

I leave you the matter.  
I guess that you are  
aware that Dillard has  
employed Hon. Wesley Arr.  
Don't forget that you have  
something to do when  
you meet J. H. G. His  
motto is "What can't be  
done by fair means must  
be done by foul" -

Wishing you the victory  
I am Yours Respectfully  
J. D. Graham



Nov. 28<sup>th</sup> 1891

Mr. J. A. G. Hyatt.

Dear Sir, - I send you my itemised account, I had not been very particular in charging ~~each month~~ the exact time I was employed in taking the depositions in Graham against Graham suit, I now send you my charges and have certified to them, If necessary I will swear to it and can prove the Acct. Please file my Acct. with the depositions in the suit and tax up my cost.

Respect,

B. H. Kelly, Nat. Pub.



V. H. Kelly  
Bill of Costs  
In Suit of Graham  
vs Graham

---

~~Stamps~~  
Attend of Hiroto 5.00  
" " Myers 4.00  
" " Penington 2.00

11.00  
Extra 4.00

\$15.00

Total Kellys Costs  
as agreed by  
Hills to be taxed  
\$15.00

J. H. Ryatt



J. H. Graham

Dr. to V. H. Kelly Not. Public.  
for Lee Co. Va. To taking depositions for him  
to be read in a certain suit in Chancery in  
the Lee County circuit court in which J. H.  
Graham is Plaintiff and J. D. Graham  
Def't. Deposition taken at J. H. Graham's  
residence, Begun at 8 o'clock A. M. and  
closed at 2 o'clock P. M. The deposition  
of Dr. Graham & W. B. Myers taken Aug 28<sup>th</sup> 1891

To 6 hours at 75<sup>c</sup> pr. hr. \$4.50  
At Hurst's Store Aug 27<sup>th</sup> 1891

The depositions of J. F. Witter  
W. S. Hurst.

Beginning at 7 1/2 o'clock A. M.  
closing at 11 o'clock

To 3 1/2 Hrs at 75<sup>c</sup> pr. hr. \$2.62

Same day at night requestioning  
W. S. Hurst 1 Hr. .75

To taking L. M. L. Slomp's deposition  
at the Camp Ground beginning  
at 1 o'clock P. M. and closing  
at 6 o'clock P. M. making 5 hr \$3.75

To taking Levi Music's deposition  
Oct 30<sup>th</sup> 1891 in Public road near Music's  
dwelling house beginning at 9 1/2 o'clock  
A. M. and closing at 1 o'clock P. M.

To 3 1/2 Hrs. 75<sup>c</sup> \$2.62  
Same day To taking E. Pennington's



at E. Pennington's dwelling house  
beginning at 3 o'clock P.M.  
and closing at 6 o'clock P.M.

To 3 hrs. 75-

\$ 2.25

Oct 31. 1891 at Pennington's Gap  
took W. P. M. Stewart beginning  
at 8 o'clock A.M. and closing  
at 10 o'clock A.M.

To 2 Hrs. 75-cts

\$ 1.50

To taking Dillard Graham's  
deposition at Cane Creek  
church Oct 31 1891

Beginning at 2 o'clock P.M.  
and closing at 8 1/4 o'clock  
at night

To 6 1/4 Hrs. 75-

\$ 5.25

By agreement of parties I was to  
copy Dillard Graham's deposition  
which took me 3 Hrs. beside time  
for me to go see him and compare  
depositions and take his signature and  
ride six or seven miles and back.

Charges for same

\$ 4.00

Dillard Graham's deposition  
was taken on Saturday <sup>Saturday night</sup> and

I was compelled to go home  
before I could copy caused the  
ride. Total Amt \$ 28.00

I certify on my official oath  
that the above acct is just & unpaid  
to the present time Nov 28<sup>th</sup> 1891

V. H. Kelly R.P.



James H. Graham

2

James D. Graham, and Mary C. Graham  
his wife, Delland Graham & Matthew  
Graham his wife, M. L. Slump, W. B.  
Myers, V. H. Kelly & Elkannah Pen-  
<sup>and H. C. Joslin against the estate of M. D. Dickinson decd.</sup>  
nington & Supa, vs Chy - on affidavits  
made by plff, take levies and cause  
attachment on Supa - and here  
serve at once on defts. 13<sup>th</sup> Feb  
filed. Plff for 20<sup>th</sup>.

A. L. Pridmore  
for Plff.



Geo. H. Graham

3 Memo.

no

James D. Graham



J. D. Graham et al  
vs.

Jas. H. Graham.

The exceptions of Sillars  
Graham to the reading of all the  
depositions taken by the plaintiff  
in said cause and filed therein:

1<sup>st</sup> Because they were taken  
without the knowledge or con-  
sent of your excellency;

2<sup>nd</sup> Because said depositions  
were taken without ~~the~~ giving  
your excellency or any other of the  
parties defendants to said  
cause notice as is required  
by law.

All of which are submitted  
Sillars Graham by  
Counsel.



Lesson of Graham

also } exceptions  
to reading  
of text

J. H. Graham



The Commonwealth of Virginia.

## To The Sheriff Of Lee County Greeting:

## We Command You to Summon

We Command You to Summon James D. Graham

and Mary C. Graham his wife.

Dillard's Graham, 2d Mattie Graham  
his wife, M. L.<sup>3</sup> Slump, W.<sup>4</sup> B. Myers,  
V. 24.<sup>5</sup> Kelly, Elkanah,<sup>6</sup> Pennington,  
and 24. 67, Presley, Administrator of  
M. D. Richardson deceased.

his wife, M. L. <sup>3</sup> Slough. W. <sup>4</sup> B. M. 22

V. 24<sup>5</sup>. Stella Eckman<sup>6</sup> & Cunningham

and 2467 Wesleyan Administration of

M. D. Richmond deceased

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in February next, being rule day to answer a bill in Chancery exhibited in our said Court against them by James H. Graham

in February next, being rule day to answer a bill in Chancery exhibited in our said Court

against

them

by

James H. Graham

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This 22<sup>nd</sup> day of January 1891, in the 115 year of the Commonwealth.

J. A. G. Hyatt Clerk.

### A Copy Teste

J. A. S. Hyatt 2



The necessary bond & affidavit having been made  
& filed, the officer recognizing this Sp. will attach  
any effects & debts in the hands of the defendants  
Dillard Graham & wife, M. L. Slump, V. H. Kelly, Elkanah  
Pennington, W. B. Myers, & H. C. Joslyn & Ann. of  
M. D. Richmond & died, belonging to or in any way  
due debts. James D. Graham wife and hold the  
same in his hands, so attached to await  
the future order of the Court.

Note - J. A. Sprinkle

James D. Graham  
vs  
Spain Chy  
James D. Graham et al

To 1<sup>st</sup> Feb. Rules 1891.

Executed by delivering  
office copies of the within  
Spain Chy to Dillard  
Graham Mattie Graham  
Elkanah Pennington  
& H. C. Joslyn admr of M. D.  
Richmond and by leav-  
ing a copy with the wife  
of M. L. Slump, he not being  
found at his usual  
place of abode and by  
giving her full explan-  
ation as to its purport  
this the 17<sup>th</sup> of Jan. 1891

J. P. Sprinkle dep  
for A. B. Munsey  
S. L. C.

25  
7  
2.25

sheriff per paid Jan 23<sup>rd</sup> 1891 W. P. Sprinkle



# The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

*James D. Graham and  
Mary L. Graham his wife, Dillard Graham  
and Mattie Graham his wife M. S. Denny  
W. B. Myers, V. H. Kelly, Elkanah Cunningham  
and H. C. Ischii a minor of the Estate  
of Geo. D. Richmond dec'd*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday  
in *February* next, being rule day to answer a bill in Chancery exhibited in our said Court  
against *them* by

*James D. Graham*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *22* day of *June* 18 *91*, in the 11<sup>th</sup> year of the Commonwealth.

*J. A. G. Hyatt* Clerk.

A Copy Teste

*J. A. G. Hyatt*



The necessary bond and affidavit, having been made and filed, The officer serving this Spa will attach any effects and debts in the hands of the defendants Willard Graham & wife, Mrs. L. Slomp, v. H. Kelly, Elkanah Pennington, W. B. Myers & J. C. Goolyn Adm. of M. D. Richmond &c &c belonging or in any wise due J. D. Graham & wife and hold the same in his hands as attached to await the future order of the court,  
Test J. A. H. Hyatt C.

For  
W B Myers

I accept service on the within  
Spa, This Jan, 23<sup>rd</sup> 1891

W B Myers



# The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

*James D. Graham and*  
*Mary C. Graham his wife, William Graham*  
*and Mattie his wife, M. C. Blump, M.B.*  
*James V. H. Kelley, William Brumington*  
*and H. C. Islyn administrator of the estate of*  
*J. D. Richmond dec'd.*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday  
in *February* next, being rule day to answer a bill in Chancery exhibited in our said Court  
against *them* by

*James D. Graham*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *22* day of *Jan* 18 *71*, in the 11<sup>th</sup> year of the Commonwealth.

*J. A. G. Hyatt* Clerk.

A Copy Teste

*J. A. G. Hyatt*



The necessary bond and affidavit having been  
made and filed the officer serving this <sup>Spa</sup>, will  
attach any effects and debts in the hands of the defend-  
ants Dillard Graham wife, M. L. Slemph, J. H. Kelly,  
Elkanah Pennington, W. B. Myers & H. C. Gaslyard  
Adm. of M. D. Richmond & co, belonging or in any  
wise due J. D. Graham & wife and hold the same in  
his hands so attached to await the future order of the  
court,  
Test, J. A. G. Hyatt C.

For  
J. H. Kelly

I accept notice of the return  
for return Jan. 3rd 1891  
J. H. Kelly



**The Commonwealth of Virginia.**

*G. H. Sprinkle Special Justice*  
**To The Sheriff Of Lee County Greeting:**

WE COMMAND YOU TO SUMMON

*Dillard Graham*

*& Mattie Graham his wife*

*V. H. Kelly N. P.* *Cane Creek Church*  
To appear before the Judge of our Circuit Court of Lee County, at the courthouse on the *31<sup>st</sup>*  
day of *Oct* *1891* term next to testify and the truth to speak in behalf of

*J. H. Graham* in certian matters of controversy  
*Chancery suit*  
pending in our said Court between *J. H. Graham*

Plaintiff, and

*J. D. Graham*

Defendant. And this *you* shall in no wise  
omit under the penalty of Twenty Dollars. And have then there this writ. Witness, *V. H. Kelly* *J. A. G. Hyatt,*  
*Notary Public for Lee County Va* *A*  
Clerk of our said Court at the Courthouse.

This *31<sup>st</sup>* day of *Oct* *1891*, in the *11* year of the Commonwealth.

*V. H. Kelly N. P.*  
*Executed Oct 31 1891*  
*G. H. Sprinkle Polcas*



of J. H. Graham  
Reed, 40 cts for summoning Willard  
Graham and Mattie Graham his  
wife, This Oct 31, 1891.

G. H. Sprinkle



In the Clerk's Office of the Circuit  
Court of the County of

Lee on the 12th day of February 1891.

James H. Graham Plaintiff }  
vs } In Chan  
J. D. Graham et al } cery  
Defendants }

The object of this is to suit recover against the De ts James D. Graham the sum \$1016.88 with legal interest and costs and to subject any effects of said Deft in the hands of Dillard Graham and Mattie his wife, L. M. Slomp H.C. Joslyn V. H. Kelley, W. B. Myers and Elk. Pennington which has been attached.

And an affidavit having been made and filed that the defendants J. D. Graham and Mollie C. Graham are non residents of the State of Virginia it is ordered that they do appear here within 15 days after due publication hereof and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in some newspaper, and that a copy be forthwith posted at the front door of the court-house of this county.

A copy— Test: J. A. G. Hyatt.  
A. L. Pridemore p. q. Clerk  
3-9-4w.

*J. L. Hobbs*  
I, Geo. W. Blankenship, Editor of the LEE COUNTY REPUBLICAN, a weekly newspaper published in the town of Jonesville, and County of Lee, hereby certify that the foregoing Order of Publication was duly published in the above named paper for four successive weeks ending

1891.

Editor LEE Co., REPUBLICAN



J. H. Graham  
vs 3 Printers  
Certificate  
J. D. Graham

Filed March  
April 1891.  
J. B. Styrac